



**VIOLENT
CONFLICT
IN NATAL
HOUSING AND
HOMELESSNESS
BRAKLAAGTE
DEATH ROW**

sash

NATIONAL CONFERENCE ISSUE

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Cover Note:

Our cover design draws attention to issues which emerged during the proceedings of National Conference, held at Mariannhill near Durban, in the first six days of March this year.

Issues related to the violent conflict in Natal, the Braklaagte incorporation, homelessness and capital punishment will feature strongly in regional debates as the Black Sash tests the appropriateness of its work against the shifting ground of southern Africa's political environment.

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SASH magazine

SASH magazine is the official journal of the Black Sash. It is published three times a year under a system of rotating editorship. While editorials and editorial policy adhere broadly to the policies of the Black Sash, the views and opinions expressed in other material do not necessarily reflect the opinions of the Black Sash.

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

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Black Sash Offices

Headquarters: 5 Long Street, 7700 Mowbray, South Africa.
Telephone: (021) 685-3513



EDITORIAL COMMITTEE

Editor for this issue

Sarah-Anne Raynham

Editing, proofreading and design

Sally Anderson

Shona Bagley

Su Hart

Hilary Ivory

Jackie Kallaway

Candy Malherbe

Kate McCallum

Sarah-Anne Raynham

Tessa Scott

Birga Thomas

Andrea Weiss

Helen Zille

Archive and distribution

Ann Moldan

Anne Rogers

Lou Shaw

Carla Sutherland

Judy Woodward

Regional representatives:

Albany

Nova de Villiers

Border

Sharlene Crago

Cape Eastern

Isobel Douglas-Jones

Johannesburg

Joyce Harris

Natal Coastal

Christina Scott

Natal Midlands

Mary Kleinenberg

Pretoria

Krystyna Smith

Southern Cape

Tessa Edwards

editorial

Coverage of the Black Sash National conference in March 1989 reveals some products of a year's work and provides a window on the organisation itself. The images projected are uneven. Like snapshots, some are focussed while others are blurred — a result of shifts by the subjects or the photographers themselves. What was notable about the conference proceedings was that these blurred images received as much attention and interest as those which more confidently portray the organisation's activities in the current environment. Clearly the delegates believed that the process of getting to grips with the changing context is an important one.

There were several attempts to reach the new political understandings necessary for refining Black Sash policy and forward planning. Some of this work appears on the following pages in condensed form: The struggle to comprehend the problems underlying the violent conflict in Natal; the investigation into housing issues which require new approaches to land allocation; the argument that advice office staff should perceive their work through transformed mind-sets; and, the reflection on the nature of collaborative work with the Federation of South African Women. The thrust of this reportage is that Black Sash strategies should take stock of the possibilities for change and organise around specific issues where gains can be made.

It is important that there be broad engagement in this kind of stocktaking. If certain perspectives appearing in this issue of SASH are read as contentious, the hope is that readers will respond by submitting letters or articles which take these debates further, or that they may engage in related discussions within the regions.

The structure of SASH itself has changed as a result of a process of internal stocktaking. (The questionnaire supplement to this issue is part of the ongoing evaluation.) National Conference has adopted a resolution that the publication of SASH be reduced from four to three issues a year. This response to pressing circumstances is seen as the most feasible way of meeting the dual challenges of rising costs and a taxing workload. Helen Zille has relinquished a remarkable editorship after two years of restructuring work on the magazine. She remains an active participant on the editorial committee. SASH will now be published under a system of rotating editorship. It remains a tool of the Black Sash's central enterprise — that of working for a democratically constituted South African government which will cater justly for all the country's inhabitants.

Sarah-Anne Raynham

daily life, daily death in natal

'This conference recognises that the violent conflict in Natal/KwaZulu constitutes a national crisis, the resolution of which is crucial to South Africa.'

This bald beginning to a resolution taken at the 1989 Conference of the Black Sash points to a crisis of epic dimensions. Violence in the Pietermaritzburg area has claimed more than 1 300 lives in the last two years. (*Weekly Mail* 21-27 April 1989). In 1988 alone 680 people were killed, probably as many as 3 000 homes were destroyed and 30 000 people were displaced.

There is an appalling human cost behind statistics like these. In her keynote address to Conference, Wendy Leeb of the Centre for Adult Education of the University of Natal argued that the experience of continuous violence has irreversible effects on the psyches of people. She says,

'At present ... an average of two people a day die in the area, and homes continue to be destroyed, families continue to be smashed and life in the townships continues to be bloody, violent and dangerous. This terrible existence has affected three generations, the very young who know no other way of life, the youth, and the parents ... Children here see violence as the norm, and in their fears and frustration will sometimes actively seek confrontation ... Young "comrades" who are in danger will suddenly and inexplicably seek out those who threaten them. The only explanation I can offer, and it is based on personal observation and questioning, is that the stress of being afraid becomes too much and there is a feeling of "let's get it over with".'

There is a great need for the help which community psychologists and other counsellors could give, but there are no institutional settings where this can happen. In Pietermaritzburg, existing resources are strained beyond limits, and others are simply not available so that the many problems can be addressed.

We believe that solutions must be sought within an overarching national framework, and must encompass long-term strategies rather than short-term crisis interventions. This belief is grounded on two assumptions:

Firstly it appears to us that the current violence in Natal may be a precursor of future eruptions elsewhere in the country. The apparent uniqueness of the Natal environment has diverted attention from the fact that the conditions which exist there also exist in many other regions.

Secondly, many commentators believe that the State is playing a different role in the Natal conflict from elsewhere in the country: While the police (sometimes assisted by vigilantes) have randomly crushed eruptions of violence elsewhere; they have largely allowed the violence in Natal to take its course when initiated by Inkatha and take punitive action only against non-Inkatha groups. If this is true there can be no solution without exposing and challenging the State's role in the Natal conflict.

In devising future strategies there will be a great need for meticulous and factual monitoring of the situation. As Mary Burton argues on page 20, the work of opposing violations of human rights requires qualities of fearless impartiality. The Black Sash's non-aligned status as a small independent organisation can lend weight to future testimony.

The stories captured on the following pages remind us that the agony of Natal cannot be seen in isolation. □

Even with the heavy restrictions in force on the flow of information, it is clear that violent conflict has become endemic over much of the Natal/KwaZulu region. Hundreds of people have been killed, and thousands injured or displaced.

It would be wrong to attribute this violence to a single cause. Each area has its tensions, history of grievances and internal conflicts, which often determine who is on which side when battle lines are drawn. But it is when localised problems merge into broader conflicts that the mix becomes explosive. It is undeniable that one such issue is the deep political/ideological division between those holding a United Democratic Front (UDF) or Congress of South African Trade Unions (COSATU) position, and Inkatha. Inkatha's periodic membership drives - and resistance to them - have frequently precipitated contained tension into uncontained violence.

We have chosen to focus on one location of violence in the region - Inanda, near Durban - to show that there are many layers to the conflict in which local grievances get compounded into larger regional, political and ideological disputes.

Inanda is a densely packed, sprawling informal settlement northwest of Durban, that stretches for many undulating kilometers. It grows visibly by the day, as shacks are erected on any vacant pockets of ground. No one is certain how many people live there; between 750,000 and one million would probably be a reasonable estimate. Although to an outsider the sea of shacks seems uniform and unremitting, the hilly terrain separates the Inanda complex into a series of small neighbourhoods. Some are decades old and well established, others new and socially uncemented. Religious groupings, such as the Amanazaretha at Ekuphakameni, occupy distinct areas, while other areas are reputed to 'belong' to specific ethnic groups.

As is the case in informal settlements across the country, Inanda's people have to cope with almost no basic facilities, and there is crushing pressure on the few available resources. There are a few shops, mostly general stores; there are some schools, but these cannot possibly cope with the number of school-going children; there is a police station, a post office, and a clinic; except for the few houses and shops that are linked to electricity, an inky darkness envelops the area at night. Water can be bought at any of several points along the main road or, when the rivers are flowing, it can be carried up from the valleys.

Most Inanda residents have spent all their lives in Durban. There is also a growing number of rural people, who have lost their tenuous connections with the land and trekked townwards.

Generally, educational levels in Inanda are low and the rate of unemployment is high. A



the inanda conflict

Heather Hughes focuses on one of the many flashpoints of conflict in the Natal/KwaZulu region to illustrate the point that we need to examine the build-up of local grievances as well as their combination with broader political struggles, to understand the nature of contemporary violence in the region.

survey on living conditions in Inanda by Sutcliffe and Wellings some three years ago calculated unemployment at 45%. This has produced a 'bitter generation' caught in a downward spiral of poverty - long-term as opposed to temporary deprivation best described as 'structural' poverty. Life is, therefore, a continual struggle. In such circumstances, the important object is survival, rather than political affiliation. While there are those directly committed to a 'cause', there are also those who wish to duck political strife by avoiding taking sides.

The important fact about Inanda, which distinguishes it from many similar settlements in South Africa, is that it is not in a bantustan. Its official designation is 'Released Area 33', meaning it is destined for eventual incorporation in KwaZulu, and it is built largely on



Widow pleads for assistance at a residents' meeting in Amouti, Inanda 1983.

privately owned land, belonging to both African and Indian landholders. Here and there one can still see large, well-built homes, mostly decaying now, relics of a rural lifestyle when landowners were farmers. The 1950s and 1960s were years of struggle to maintain commercially viable farming activities. Then, when rents from tenants promised greater security, farmers willingly allowed settlement to occur on their properties. Shacklords, as they were to become known, were not only the owners but also effectively the rulers of the area, as no state department seemed willing to assume responsibility for it.

The urbanisation of Inanda began in the late 1950s and early 1960s with the clearance of Cato Manor, an informal settlement much closer to the city centre. From here it was still feasible to commute daily to town, as the bus

routes had been extended to service the new township.

For the many landlords, large and small, tenants brought a steady income. And for those who were also shopowners, tenants were also consumers.

Over the last two decades, the urbanisation of Inanda has accelerated massively as the housing backlog and the deterioration of rural areas have worsened. This has placed severe stress on resources and on the inhabitants themselves. The situation is compounded by the state's attitude that 'squatters' are illegal and ought not to be there at all, and anxiety about the future pervades all social interaction.

Crisis for a decade

For a decade now, one crisis after another has afflicted Inanda. In 1979, at the onset of the region's worst drought for years, the rivers dried up and there was as a result no water. A typhoid epidemic broke out. A group of interests — among them the army, the Urban Foundation and government departments (Cooperation and Development (CAD) and Health) — intervened and provided an emergency water supply.

The state used the health/water pretext for its first attempts at forced removals, beginning in 1980. It owned small portions of land in the area — the result of its unenthusiastic attempts to acquire land in terms of the 1936 Land Act — and used these to establish a site-and-service scheme, a sort of do-it-yourself township, together with the Urban Foundation. The result was Newtown, formally declared a township in April 1982.

Several of the more influential landlords objected strongly, feeling that the state was interfering in their area of jurisdiction. When their attempts to stop the development of Newtown failed, a few tried to take control of the 'representative' structure, a liaison committee. One of the largest landlords in Inanda, Rogers Ngcobo, became chairperson of the liaison committee, of which Newtown residents seemed unaware; in the meantime they had organised their own residents' committee. The two structures were operating fundamentally at odds with one another.

The state also began to play African against Indian landlords, by prosecuting the latter for unhygienic conditions on their properties, but leaving the former alone. In 1982 it also issued a 'structure plan' for the future of the area, which made it clear that the removal of Indian landlords (as well as the numerous Indian tenants who had been living there for many years) would be a prerequisite for 'development'. 'Race relations' became a source of increasing tension.

In 1983, there was an outbreak of cholera as problems over the water supply persisted. Also

... meetings called by Inkatha ... seem to have been designed to test the loyalty of residents to Inkatha.

in that year were a prolonged bus boycott which flared into violence, and student boycotts of classes.

It was the students' struggle against inferior schooling that tipped Inanda into intense violence in August 1985. All over the country, students had been in the forefront of resistance to apartheid and their protests in nearby townships spilled over into Inanda. What have been described as *lumpen* youth seem to have initiated the string of attacks against Indian targets in Inanda, although vigilantes from other areas were bused in as well. In one week, all Inanda's Indian families had been turned into refugees, an estimated 20 people had been killed, and the Gandhi settlement had been destroyed along with some 42 Indian-owned shops and businesses, and as many houses.

It was the worst violence ever witnessed in the area. Residents were barely recovering from it when a large group of people, displaced from another conflict were relocated in the Bambayi area in tents. They are all Pondo people, still in tents and still uncertain of their future, which is currently the subject of a protracted court case.

During 1986, African landlords tried to consolidate their position by establishing themselves as the 'legitimate leaders' of Inanda. Rogers Ngcobo, who had had an uneasy relationship with Inkatha for some time, made his peace with the organisation and began to build a branch structure. He also seems to have been responsible for appointing several councillors in Inanda; there were never any elections for these positions and there was seemingly no formally organised council on which they sat. Some, as part of their duties, have been responsible for collecting rents and many double up as the local Inkatha branch chairpersons.

In late 1986, a meeting was convened between various parties to discuss the upgrading of Inanda. One local community leader claims he was excluded by Mr Ngcobo, who was opposed to any UDF (or tenant?) participation. As the informant put it: 'Developers want people like Ngcobo - he is a businessman. What do we have to invest?' Thus the upgrading - mainly in the form of home construction - has not been done in consultation with any representatives of tenant interests. Again, because of the individuals involved, Inkatha seems to be, in fact, the organisation with which developers negotiate.

In 1987 there were floods. During the long drought, many residents had built shacks on land which seemed dry; people had forgotten where the water courses ran. So when the rivers came down in raging flood, scores of structures were swept away, and many people drowned. Relief operations seem to have been a fiasco in this area as in others, with complaints about the need to display an Inkatha membership card before aid would be given.

Immediate causes of the current violence

Perhaps because the daily struggle for survival has been so difficult, political organisations have battled to mobilise support in Inanda. In addition, it is in the nature of things that landlord-tenant relations should be tense; it is hard to see how tenants could identify with the material interests of their landlords, except in the most general sense of both being permitted to remain in the area. Against this background, recruitment to Inkatha becomes a hard task, as it is perceived to be so closely bound up with the designs of the landlords and their councillors. There is widespread evidence that strong-arm tactics have been resorted to, as a result of the landlords'/Inkatha's determination to secure control of the area and to protect it from what many of them call the 'rubbish' - more militant, radical organisations under the UDF umbrella, and COSATU.

It is not that local people are inherently predisposed towards any political position other than Inkatha: the immediate alternative, the UDF, was always weak in the area, even before its banning. Its strongest support was - and remains - members of youth congresses, e.g. Inanda Youth Organisation (IYO). The UDF's other main presence in Inanda has been in the branch of the Natal Organisation of Women (NOW).

The current wave of conflict, in which over 60 people have already been killed, began in March 1988, with a series of meetings called by Inkatha in various parts of Inanda. Organised by local councillors, they seem to have been designed to test the loyalty of residents to Inkatha: those not attending meetings would be considered actively opposed to it. Vigilante attacks in the area intensified, the main targets being suspected UDF sympathisers in IYO, NOW, certain students, as well as COSATU members. Counter-attacks by 'comrades', mostly armed with stones, also intensified. Similar experiences were related by people in other parts of Inanda. The killings and injuries, and the arson attacks on houses had begun.

As the violence escalated and spread to other sections of Newtown from August 1988, so too did pressure on residents to take sides. As family members or friends were attacked or killed, as funeral proceedings were disrupted, so the possibilities of retribution increased. The opportunities for steering a path between contending factions narrowed considerably. One possible way was to flee, and some 200 refugees (including many 'comrades') were living temporarily in Ntuzuma by September. The trouble with this course of action was that refugees were regarded by local councillors as 'traitors' and their houses reputedly 'resold' to supporters for anything upwards of R10. The violence has meant a loss of livelihood for



Omar Badsha /Afrapix

Mr Rogers Ngcobo, chairperson of the Inanda Liaison Committee addressing residents in Amouti, 1983.

many who have tried to operate in the 'informal sector', e.g. shoemakers, panelbeaters, fruit sellers, etc.

In October, certain councillors embarked on recruitment drives to augment their vigilante forces. At a meeting 400 men were told that each household would be required to pay R10 to buy 'medicines' that would make the vigilantes invisible when fighting the 'comrades'. The ensuing attacks resulted in another wave of refugees.

Many residents claimed to be able to identify their assailants only to find that the local police refused to take statements from them; in fact, the police at Inanda have largely denied any 'unrest'. One resident said: 'We go to the Phoenix SAP (South African Police) and not Inanda SAP because Inanda SAP never helps us.' There were also many claims that the security forces stood by and did little to protect people from attack - or that they disarmed the 'comrades' and left the vigilantes.

In December, there was evidence that many 'comrades' who had fled Inanda were returning, this time armed with weapons more lethal than stones. Correspondingly, the December/January period - school holidays - seems to have been earmarked for another concerted 'clean-up' by vigilantes. (There is some evidence that 'kitskonstabels', being paid a few rands a day, had been moved into Inanda in December, too, and were siding with vigilantes.) Outside agencies watching the situation called on the police to intervene. All through December, there seemed to be official reluctance to take any action. As the violence intensified, increasing numbers of deaths were reported.

In mid-December, Rogers Ngcobo convened

a 'prayer meeting' in Newtown. As before, everyone in the section was warned that they would be regarded as 'comrades' if they failed to attend. During the meeting, some 100 armed men patrolled the section, killing one man and injuring many. The killing - of Raymoth Thenjekwayo, brother of a National Union of Metalworkers of South Africa (NUMSA) shop steward, Gabriel Thenjekwayo, who was badly injured in the attack - has resulted in one of the very few cases from the conflict to reach court. A vigilante leader, Qanda Masinga, has been charged with the murder. Ngcobo has already announced that Inkatha will investigate Masinga's case only if he is found guilty; in the meantime, he is blaming 'UDF infiltration of the South African Police for casting suspicion on Masinga's character' as reported in *New Nation*, 15.02.1989.

An added twist to the conflict seems to have been the promises made by vigilante leaders to their supporters that if they flushed 'troublemakers' out of Newtown, they could move into their homes. For shack-dwellers, this must have seemed the easiest - or only - way to acquire decent housing. 'It is a fight between the haves and the have-nots,' one resident explained in the *Daily News*, 05.01.1989. There was retaliation by the 'haves', who closed off access to bus stops, water points, the clinic and even schools, to those from the shanties. Peter Gastrow (Then a M.P. for the National Democratic Movement) noted that 'clearly the struggle for resources is a major factor in the fighting here ... it is a powder keg situation if one community is cut off by another from critical resources'.

By early January, the Newtown manager, responding to pressure from residents - mainly delegations of women - called on the local South African Defence Force headquarters to intervene. On 5 January, after an appeal to Pretoria, soldiers moved into Inanda, setting up a temporary camp. At a press conference called by NOW in late January, township women declared that they were happy that the army was now protecting them: 'The people are now able to sleep.' This appears to have been something of a public relations coup for the state, whose policies are at the root of the problem, and its army.

The presence of the army seems to have caused splits within the ranks of Inkatha; its leading figures are no longer able to exercise their own forms of 'law enforcement' in Inanda.

The killings and violence have not stopped. As in all the other areas of this war-torn region, real social calm will come only if the grievances of the different communities are addressed.

□

Jean Fairbairn's help in preparing this article for publication is gratefully acknowledged.

caught in the storm

There are many stages to becoming a refugee from the violent conflict in Natal. These pictures by Clint Zsman capture some situations inside the storm and document the forced journey to an outsider's existence.

In the 354 square kilometres which surround Pietermaritzburg this pattern has repeated itself over and over again for the last two years. In recent months 'The Violence', as it is termed, has engulfed the greater Durban area and spread as far afield as Newcastle.

You or your family are perceived to be a threat

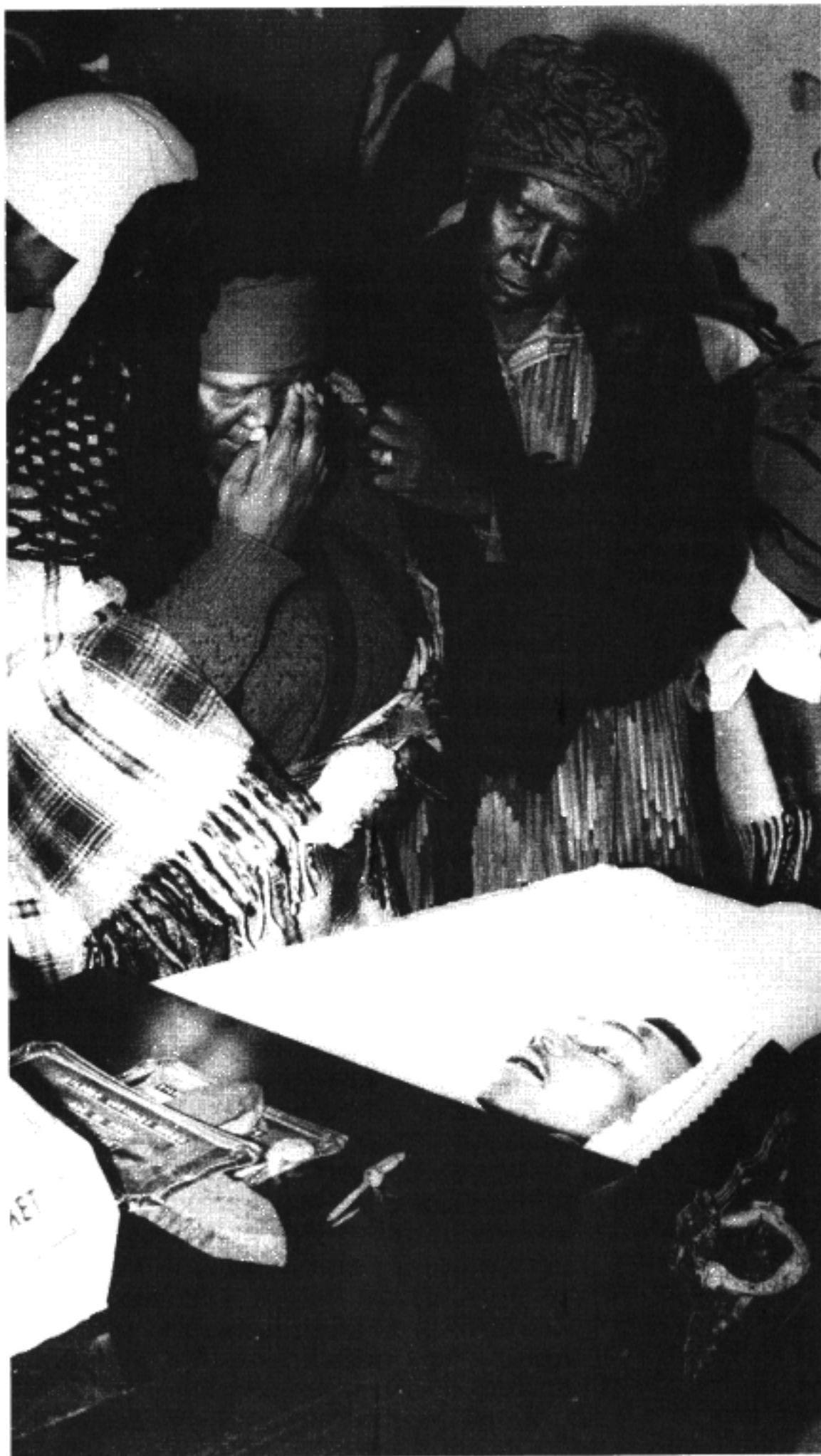
The questions always asked are 'Who by? Why?' Some answers emerge in analyses presented at a conference on the conflict under the auspices of the Centre for Adult Education at the University of Natal in Pietermaritzburg in April 1988. They suggest that it was variously: membership drives by Inkatha, pro-UDF campaigners' calls for boycotts and pro-Inkatha campaigners objecting to these boycotts, private landowners' attempts to secure autonomous status for Edendale and Inkatha's attempts to gain control over the area assisted by the state, and lastly, overcrowded and unsatisfactory social conditions in the area.



Usually someone is killed

These deaths are described as 'unrest-related' and therefore subsequent events are subject to restriction under the Emergency regulations.

The restrictions determine that: details concerning the circumstances of the death may not be published, the funeral may not be held without the commissioners' approval, may not be held out of doors except at the graveside, may be addressed only by an ordained minister, that only 200 mourners may attend, the funeral may not last longer than three hours, no public-address systems may be used; no banners, flags or processions are permitted and no joint funerals may take place.





Your home is destroyed

In 1988 at least 3 000 homes were destroyed, mostly by burning. This was often accompanied by looting. Generally the victims are left only with the clothes they stand up in. Not only have they lost all their possessions but also all documents, critical for survival in bureaucracy-ridden apartheid structures.



You flee

Conservative figures estimate that 30 000 people were displaced during 1988. The documented figure continues to rise in 1989: 7 000 people displaced from Shongweni, 500 from Kwamgwagwa since January and 300 from Kwahaza in March.



'We are coming to get you'

These words change the course of individuals' lives. They are threatened with death if they return home. Families are threatened if they do not hand over youths to armed groups.

You are unable to return to your place of work

Attackers lie in wait near bus ranks or outside the premises where threatened and 'marked' individuals are employed. This means that many displaced people have no source of income and add to the burden on resources in areas where they seek refuge.





Or you lose your place in the education system

Pupils attempting to register must produce reports and transfer documents from their previous schools but are afraid to return to those areas to collect them. The schools in the refugee areas are full and unable to accept displaced pupils. The Shongweni school above is deserted because the whole community has fled. Only the principal watches over it.

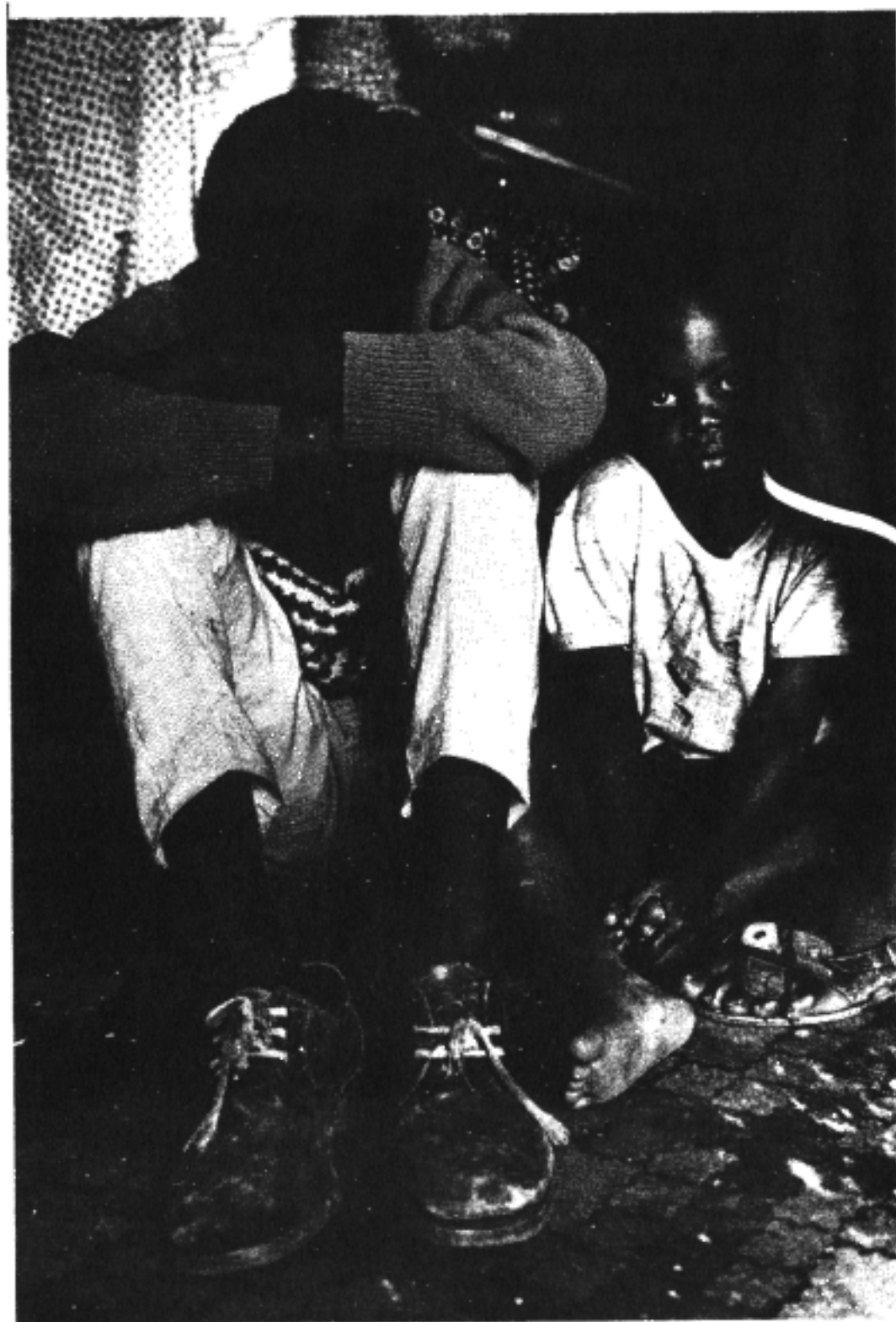


You break off contact with your family

Youths attempting to return home to get food or money from family members have been identified and killed. This has sometimes caused fresh attacks on remaining family members.

You go into hiding.

You cannot go home. You cannot get compensation for your losses. The places where you can hide are grossly overcrowded. Your presence adds to the pressure on already overstrained resources and to a growing climate of desperation. Your attackers continue their violence. You can see only one answer to your predicament - to form an armed group and go back to fight for the return of your property and your right to exist. □



ongoing saga of housing and homelessness

*Even the positive aspects of the government's urbanisation policy cannot counter processes (some not immediately obvious) which deny poor people access to land and shelter. The Black Sash Transvaal Region **Urban Removals and Homelessness Group** reflect on trends drawn from conference papers from Port Elizabeth and Transvaal.*



Bethani, Gill de Vlieg / Atrapix

It is no longer possible to consider separately the crises concerning land, housing and local authorities. These critical questions evoke an image of three mighty rivers joining together to flow into one. Like the rivers, these three issues have now become inseparable.

There have certainly been some positive changes since the abolition of influx control. Nevertheless, we fear that these do not adequately address the appalling legacy of the past. On the contrary, we foresee that the present policy lays the foundations for a worsened situation: the poor, who are the majority of homeless people, are being further excluded by a host of direct and indirect measures now being applied. These have their roots in shifts in state policy - away from the territorial separation based on pass laws, and towards more complex and divisive schemes built on the recognition of the rights of some urban blacks.

The White Paper on Urbanisation (April 1986) envisaged a two-pronged approach to this phenomenon, one reflecting 'positive' changes of principle, the other more weighted towards 'negative' measures of control.

- the 'positive' elements included acceptance of the reality of black residents in white urban areas; the recognition that land must be made available; and the acknowledgment that existing housing standards must be reviewed;
- the concomitant elements of control included strong measures to prevent illegal squatting, and central government control over the amount and location of land to be allocated. The principle that black local authorities and residents must pay the full costs of land, services, and housing was also firmly established.

Some of the positive elements noted in the Cape Eastern and Transvaal papers concerning homelessness presented to National Conference were:

- the designation of substantial amounts of land for black urban residential development for the first time since the 1950s;
- the injection of substantial resources into the upgrading of existing townships, mainly through the Regional Services Councils.

- the participation of the private sector and organisations such as the South African Housing Trust in the housing delivery process; and
- some, albeit very limited, recognition of the need for basic site and service schemes.

We must ask how these processes have affected the poor. Case studies done in preparation of our report on homelessness on the Witwatersrand show that the poor and homeless still have virtually no legal access to land and shelter.

Their numbers are vast. Within the Pretoria-Witwatersrand-Vereeniging triangle there are presently an estimated 2 million squatters, and these numbers do not include the homeless who have found unlawful shelter in buildings in other group areas or in overcrowded township houses.

On the Witwatersrand the homeless live in temporary accommodation in what is officially designated as the 'wrong' place. Township shacks abound, informal settlements within black townships are mushrooming as are settlements on land designated for whites, Indians and 'coloured' people.

In Port Elizabeth more than 200 000 Africans are living in shacks. Whereas the state is planning for about half a million blacks in Port Elizabeth in 2010, the Urban Foundation estimates there will be 1 018 000 (which will then be 72% of the city's population). Statistics projecting expected black populations for planning purposes are nationally criticised as being grossly underestimated; often the fault lies in inaccurate data relating to the present situation. In the case of Port Elizabeth the undercount works out at about 40%.

Homeless people are extremely vulnerable and powerless. There is national evidence of the historic legacy of negative attitudes towards and negative legislation against the urbanisation of people who were not white. The recently enacted squatter legislation contains draconian measures to 'deal' with these urbanising poor who have no option but to squat.

The investigations into homelessness on the Witwatersrand found that apart from the direct control measures (embodied in squatter,

slums, health, building standard laws), there are also various far less obvious processes and policies at work which may well result in the poor not achieving access to permanent and affordable land or shelter.

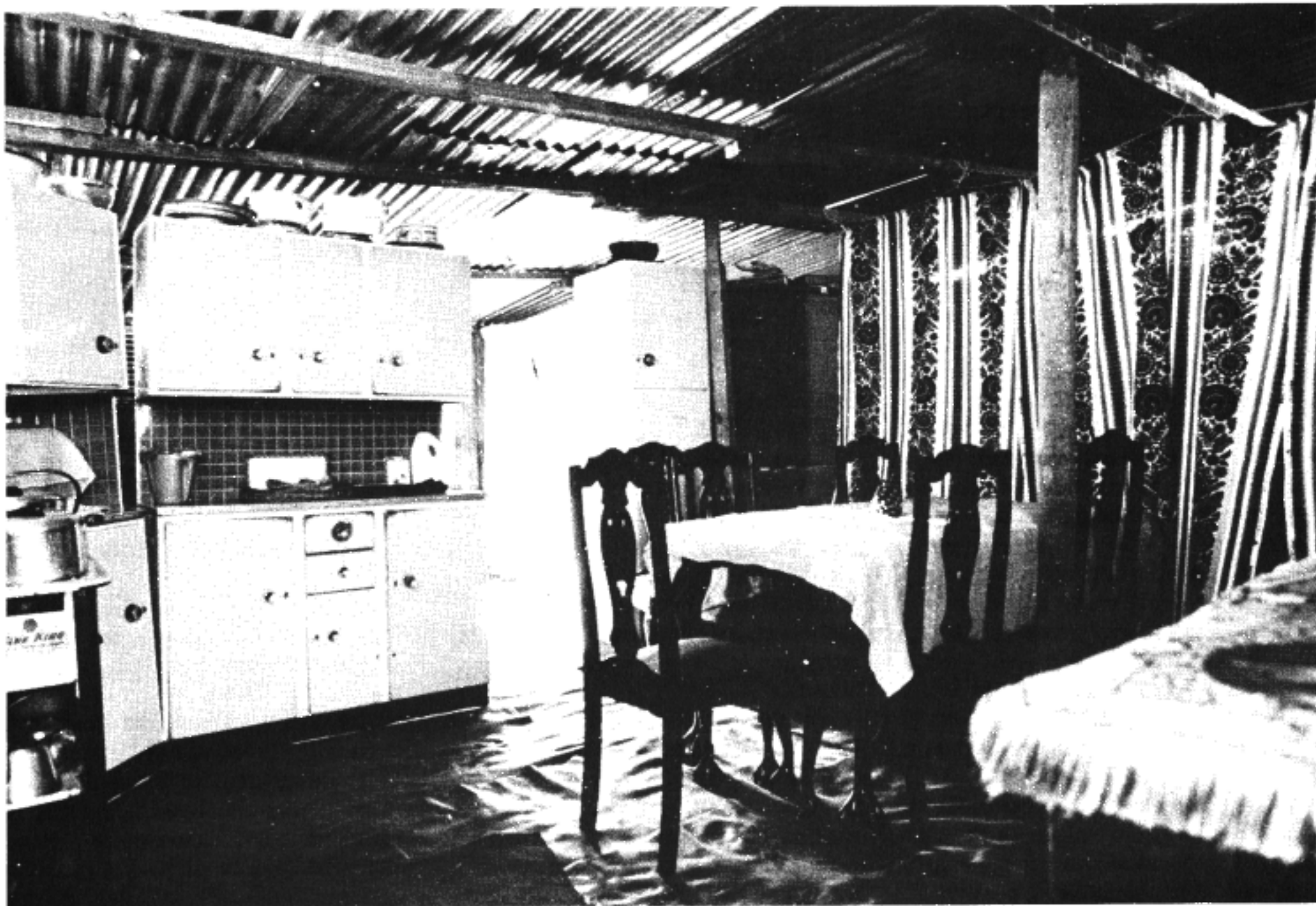
These processes of exclusion are more subtle but they have a decisive impact on poor people. They are contained in three state responses to the housing question, namely: privatisation of housing; 'negotiated' resettlement; and the emphasis on creating 'viable' urban communities. They need to be considered in turn.

The privatisation of housing

Since the early 1980s the government has stated that it is the private sector's responsibility to provide housing for blacks.

On the Witwatersrand there has been a flurry of activity in the few areas designated for black development. The white housing market is saturated and developers have snatched up as much land as possible and are frantically building houses for a purchasing price of R20 000 and over. Even the Urban Foundation and the South African Housing Trust have this year only managed to provide housing in the R20 000 range and low-level serviced sites at around R6 000. It is estimated that at least 60% of the Witwatersrand's population cannot afford shelter at that price.

The Port Elizabeth paper notes lack of clarity about which authorities are responsible for housing Africans in the urban area. The 'low-cost' housing at Motherwell has thus far consisted of shell housing and completed housing projects, mostly carried out by private developers, all for private ownership and not for rent. A serviced site in extended Motherwell is estimated to cost an average of R10 000, plus a further R10 000 for a house. Ibhayi townships are apparently to be 'cleared' of shacks and the old townships to be upgraded for those who can afford living there (à la the Alexandra model in Johannesburg). Development of two new 'middle-class' black residential areas is noted, at KwaDwesi and KwaMagxaki, where houses cost between R20 000 and R300 000.



Bethani, Transvaal. Gill de Vlieg / Afrapix.

A pitiful tale of 150 South African Transport Services (SATS) employees in Port Elizabeth has no happy ending in the new housing delivery system. They live 120 km from where they work and sleep nightly in the train home and back, for fear of missing the train when it again departs at 3.45 a.m. Their families bring food to the train. Formerly excluded from houses in Port Elizabeth by influx control, they now cannot afford the houses available to them, even though they qualify for housing loans from their employer, SATS.

The 41% of black households in Port Elizabeth who live below the Household Subsistence Level are obviously not candidates for the housing being supplied.

'Negotiated' resettlement

The phenomenon of removals preceded by processes of discussion and negotiation initiated by state authorities may be a way of avoiding the emotive issue of forced removals. The government has stated that there will be no more forced removals. Yet

people are being moved. It is, for instance, stated policy that Weilers Farm residents (a large legalised squatter settlement on white-designated ground south of Johannesburg) be moved to Orange Farm, eight km further to the south, now designated a controlled squatting area in terms of section 6 A of the Prevention of Illegal Squatting Act as amended.

Observations on the Witwatersrand reveal that a number of tactics are being employed to implement such removals:

- the increasing of service charges in the existing settlement while an offer is made in the resettlement areas for periods of grace regarding these charges and rent;
- initial land prices in the resettlement area are relatively low;
- subtle threats have been reported as being made particularly to those who cannot pay existing charges.

For those living in informal settlements who might wish to take up the option of living in areas like Orange Farm an element of exclusion is operating. People from Weilers Farm are being required to produce a permit. People from surrounding sites in

the south are being asked to produce basic documentation such as marriage and birth certificates which may be impossible for reasons beyond their control.

Apparently no other applicants can get a site at present. For the people who settle in areas like Orange Farm or Etwatwa East (Daveyton), the upgrading of these areas (and the expectation that residents will have to pay for this upgrading) as well as their incorporation into the jurisdiction of formal local authorities may mean that they will face further eviction or exclusion through inability to meet the increased rates.

On the Witwatersrand there are signs that removals of the poor will take place in Alexandra. Already in Soweto shack-dwellers were moved from land handed to developers, on to a rubbish dump converted to a controlled squatting site (Levin's/McDonald's Farm), but this too is supposed to be temporary. There are no details yet about the fates of many other informal settlements.

Minister Heunis announced that some 125 000 people would be moved to Motherwell in the Eastern



Broekombos, Western Cape. Mike Hutchings.

Cape over the next seven years. The Port Elizabeth report notes the impending move of residents of Soweto-by-the-Sea and Coega to 50 000 sites in the new Motherwell extension. Also expected are removals of people from the Port Elizabeth-Uitenhage metropolitan area to the back end of Motherwell, in order to accommodate continued racial zoning of land, thereby pushing poorer blacks away from where they have found means of survival. The transition-town, where families are meant to wait for a suitable house, is full; in any case, it too has been earmarked for removal.

The creation of 'viable' urban communities

Government spokespersons are increasingly saying that the intention is to create 'viable' urban communities.

The most obvious comment is that it can hardly contribute to 'viability' to move poor people still further away from access to jobs and increase their costs: the land that has now been allocated is invariably further away from places where people work than where people located

themselves in the past. The very consumers who are intended to be the source of rates for the new 'viable' areas are impoverished by being forced to live in the remote townships.

In the absence of a coherent official definition we interpret 'viability' as meaning:

- that urban residents must pay the full costs of land, services and housing;
- that black local authorities must be separate, financially viable, administratively sound and politically acceptable.

As part of the strategy to improve the credibility of black local authorities, existing townships are being upgraded. In the case of the Witwatersrand study Alexandra provides the most obvious example of this.

It is stated policy too that new development areas should be incorporated into existing local authority areas. Local authorities are resisting the settlement of low-income residents within their boundaries. The reasons for this appear to be that such settlements will adversely affect their middle-class aspirations and image and, perhaps understandably, given

the 'viability' concept, that these settlements will be a drain on their resources.

In some areas where people have or are to be resettled and where land and services are provided (Etwatwa East and Orange Farm - Witwatersrand), the service charges/monthly levy appear to be way above the real costs of the services they are getting. The results of our examination of assessment rates or monthly levies for domestic dwellings in Johannesburg (white residents), Dobsonville (black residents) and Orange Farm (black relocated squatter residents), provide a graphic illustration of these disparities. They are set out in the accompanying table.

In sum, the overriding implication of the 'viable' local authority concept is the squeezing out of the poor. This means that they will be obliged to seek alternative shelter, ipso facto illegal, often in areas even further from where they are employed or might find employment. By definition they will become increasingly less 'viable' and increasingly less able to get a foothold in formal or legal settlements.

We would argue too that the 'viable' concept is flawed on other levels:

- black local authorities cannot be 'viable' given both the historical neglect of these areas and the existing political context of 'own affairs': separate municipalities, the Land Acts and the Group Areas Act;
- the majority of the black population is not 'viable' in the context in which government is applying the concept (that the consumers must pay for a level of accommodation and services set by the authorities).

Future scenarios?

In conclusion we would risk making some predictions about future developments. Despite the enormous pressure exerted to exclude them it is unlikely that poor people will leave the metropolitan areas:

- they will find another place to stay in order to have access to the places where there is a chance of their making a living;
- as rural and homeland economies deteriorate the numbers will increase;
- the 'overspill' from existing townships will escalate as their populations increase and as it becomes more and more expensive to live in the 'upgraded' townships.

Furthermore, it is quite possible that the combined but contradictory notions of upgraded areas and viable but separate black local authorities may prove to be the Achilles heel of the orderly urbanisation policy. Attempts to recoup investment and current charges may backfire through inability to pay which might cause boycotts and may result in the collapse of this policy.

The principle must be accepted that the society at large is responsible for ensuring that land and resources are more equitably reallocated. The poorer residents of our country should not only benefit from this process but participate in making those critical decisions which would afford all South Africans the greatest chance of survival and the greatest access possible to the resources of this country. □

A comparison of monthly rates for domestic dwellings in Johannesburg, Dobsonville and Orange Farm (a squatter settlement south of Johannesburg)

Place	Johannesburg	Dobsonville	Orange Farm
Site	large	medium	av. 210 m ²
Monthly levy	average R26	R15,00	R13,50
Cents per Rand value per annum	3,47c 1,56c after rebate	2,5c	32,4c (if land value R500) 5,4c (if land value R3 000)
Facilities provided	libraries, street lighting, clinics, recreation centres, subsidised transport, pavements, parks & pools, tarred roads, etc.	pavements, street lights, most roads tarred	one tap per 30 sites, may be graded roads

A few comments on the table above:

The Johannesburg basic rate of 3,47 cents in the rand per annum is subject to a 55% rebate in respect of domestic dwellings, consequent on the greater taxing of business properties. Therefore homes pay an effective 1,56 c in the rand per annum. The subsidy benefit of the Central Business District goes to the white ratepayers of Johannesburg, although most of the productivity and purchasing power of the black residents of the region is offered here.

Even ignoring the differences between the monthly rates (R26, R15 and R13,50 respectively) - for much the same order of levy per month the consumer in Johannesburg gets a relatively large site with copious amenities.

In Dobsonville he has about the same levy, a smaller site, and modest but not adequate communal amenities.

At Orange Farm the consumer doesn't get even 'peanuts' in terms of sites or amenities. In real terms, depending on whether the rating is established on a land value of R500 (the selling price of Orange Farm sites) or a possible market value of R3 000, the Orange Farm rate is either 21 times or three-and-a-half times the effective rate in residential Johannesburg. Either way it's worth thinking about!

does freedom matter?

Mary Burton argues that freedom does indeed matter. Her key points are set out in this edited version of her presidential address to conference delivered on 2 March 1989.

There is a powerful impulse in humankind to be free, to have some control over one's life and one's choices, to have rights which are respected and protected, and to play one's part in shaping and directing one's society.

This is what we seek, but in a time of repression and of restrictions, achieving it will take courage and determination. The strategies of those in power become more sophisticated, and the bitter pill of bondage is sweetened by a coating of reform.

We look at the high cost of the conflict - a cost not only to stability, to the economy, to possibilities for education and development, but also to the people, the human beings who are being hurt, detained, brutalised, killed. The temptation then is to acquiesce, to swallow the pill.

Perhaps, one wonders, it might be better to leave the field to the National Party to carry out its plans. Let the government deal with the right-wing monsters which are the product of its own policies; try to draw in support from the business world and the international community; implement its reform programme pouring money into 'oilspots' to reduce levels of dissatisfaction and dissent; and lure or persuade black partners into its governing structures.

The fatal flaw in this scenario is the denial of democracy through the continued concentration of power in the hands of a small elite group. There is a parallel in the thinking that informed a good deal of international policy-making about Latin America, particularly in the 1960s. It was widely believed that in countries struggling with the growing pressures of poverty, underdevelopment and with small but powerful civilian elites, the safest way to restructure

society was through the 'modernizing military'. Supposedly non-political, the military would be expected to maintain control over a population which threatened to erupt, and would thereby create the climate in which development could take place.

This view of military government as a bulwark against chaos (and often implicitly or explicitly against communism) was shared by business people and policy-makers. But military regimes have in general failed to promote development, strengthened or established links with national elites, fostered economic systems that are not labour-intensive nor focused on basic domestic needs and frequently proved to be corrupt. Furthermore, it has proved extremely difficult to effect the change to civilian elected government.

The lesson to be learned in South Africa is that we cannot afford to buy the reform plus repression package. We already see many symptoms of a profoundly undemocratic society. As we look back at 1988 and forward into this year already begun, we are confronted with:

■ **the denial of information:** the continuing State of Emergency regulations curb the freedom of the press; our own publications have been affected, with *The Trial of the 13* declared 'conditionally not undesirable' (i.e. distribution limited to registered libraries). Black Sash members have actively supported the campaign to Save The Press;

■ **detentions:** renewed attention has been drawn to the estimated 1 000 or more people still in detention. (The number has since dropped to an estimated 300. Of the detainees released, an estimated 700 have been

placed under restriction orders.) The hunger strike by detainees led to an unprecedented meeting between lawyers, church leaders and the Minister of Law and Order, Mr Adriaan Vlok. Once again, Black Sash members have been detained during the past year: Janet Small, Janet Cherry, Kerry Harris;

■ **restrictions:** 33 organisations have been restricted, and so have large numbers of individuals;

■ **deaths and disappearances:** assassinations and mysterious disappearances occur increasingly. Sometimes the murderers are frighteningly blatant - such as Barend Strydom who shot and killed seven people in Pretoria; sometimes they are never found. The deaths of Dr Abu Asvat and 'Stompie' Moeketsi Sepei have made headline news, but we need to remember, too, the 1 000 or more who have died in the conflict in Natal;

■ **lawlessness, bombs, arson:** we note an increase in the levels of attacks directed both at government or pro-establishment targets and also at anti-apartheid organisations, including our own and the churches. The inescapable conclusion is that we slip daily further into conditions of civil war;

■ **police presence:** this was the year when police adopted visible attitudes at meetings, packing rows with a blue-uniformed presence and setting up video cameras to film speakers and audience;

■ **militarisation:** the prospects of peace in Angola and independence in Namibia have not resulted in a decrease in the militarisation process. The restriction of the End Conscription Campaign has left a serious gap, but other groupings have acted to call for alternative service options at least - significantly, gatherings of women have taken up this call;

■ **capital punishment:** members have strongly supported the re-establishment of the Society for the Abolition of the Death Penalty. There were 117 executions in 1988 and there are some 270 people awaiting execution on Death Row;

■ **political or treason trials:** we look back towards the extraordinary outcome of the 'Delmas' trial and the seemingly contradictory views of the judge as he sentenced men he acknowledged to be important leaders; and we look ahead towards the

likelihood of more 'treason' trials, possibly in the Eastern Cape:

■ **the judiciary and the law:** the appointment of Mr Justice Corbett as Chief Justice has been widely welcomed as a step towards reclaiming some of the lost respect for the courts. Nevertheless, the judiciary still has to operate within the seemingly impossible constraints under the Emergency regulations and under the weight of precedent set by past judgments;

■ **legislation:** (i) nowhere is the longevity of apartheid more evident than in the allocation of land and the process of forced removals. The Free Settlement Areas Act makes no material difference to this situation; the new Prevention of Illegal Squatting Act provides for more cruelty, humiliation and deprivation;

(ii) the Promotion of Orderly Internal Politics Bill (to control funding) was withdrawn after national and international opposition, only to be succeeded this year by the Disclosure of Foreign Funding Bill, which also contains entirely unacceptable provisions for information-gathering into the affairs of organisations, and control over their work;

■ **education:** access to knowledge and to different points of view is an essential element of freedom - and most of our youth are denied it. It is no wonder that disturbances in township schools are endemic - no wonder, but deadly serious;

■ **government in disarray:** the illness of the state president and his retirement from the leadership of the National Party has created uncertainty in the government. At the same time evidence of large-scale corruption has come to light. The official opposition's racism and fanaticism is allowed almost entirely free rein. The new Democratic Party is trying to accommodate the three constituent parties, and it cannot be an easy task;

■ **labour:** the trade unions are up in arms over the Labour Regulations Act, and campaigning vigorously against it. The efforts of COSATU and NACTU to work for unity are to be valued;

■ **poverty:** decreasing wages and growing unemployment are weakening the unions' bargaining power: our advice offices see hundreds of cases of destitution.

All this adds up to a dismal

prognosis. We are forced to conclude that the needs of the population cannot be met by following where the government would take us.

Human Rights

The 40th anniversary of the Universal Declaration of Human Rights stimulated a remarkable re-awakening of interest in human rights.

In South Africa the Human Rights Commission was established on 20 September in Johannesburg, with Frank Chikane, Max Coleman, John Dugard, Sheena Duncan and Sman-galiso Mkhathshwa as commissioners. Its on-going monitoring is of great value. The Human Rights Trust in Port Elizabeth held a conference in December, during which Di Bishop was one of the speakers. (See SASH March 1989)

We joined with other organisations in arranging programmes to mark the anniversary and to take forward the Campaign for Human Rights Now. The Human Rights Watch held a special gathering of 35 human rights monitors from 29 different countries in New York and Washington. Taking part in that gathering gave me a deepened awareness of what our task should be in this regard. As was stated in its second annual report, 'human rights monitors are armed only with information'. What impressed me in addition to the non-violent, meticulously factual approach of all the monitors who were present was the fearless impartiality of the Human Rights Watch itself. Among the monitors were some who worked in countries whose governments were military or right-wing dictatorships and others whose people had succeeded in overthrowing oppressive rule but who still encountered and opposed violations of human rights in the new society.

If we are to pursue the aim of being workers for human rights, these will be some of the requirements:

- that 'fearless impartiality'. Our traditionally non-aligned status as a small but independent organisation can lend weight to our testimony;
- a commitment to sympathetic, participant involvement in the struggle for freedom;
- active empowerment of ourselves

and others to carry out this work. These are broad goals, and they are entirely consonant with our own founding principles: to promote justice and the principles of parliamentary democracy; to seek constitutional recognition and protection by law of human rights and liberties for all; and to further the political education and enlightenment of South African citizens and others.

How can these goals be implemented?

1. We need to work out ways of overcoming the hindrances of the State of Emergency regulations to keep ourselves well-informed.
2. We need to document, publish and disseminate our information more widely than ever.
3. We must continue to work in alliances with other organisations, for example on children's issues, capital punishment, militarisation.
4. We can seek common ground in order to overcome the divisions of our society - for example, the experience of womanhood, motherhood, interests, and skills.
5. We can learn to abide by majority decisions in joint-project work, while not being afraid to state differing views.
6. We must exercise humility and be willing to test and question our own preconceptions.
7. The conscious empowerment of our own membership is a prerequisite for this work; we need to know who we are, how to build on our strengths and minimise our weaknesses.
8. 'Black empowerment' remains an imperative. We must be informed about needs and sensitive to the wishes of those we seek to support.

This brings me back to the question of rights and freedoms:

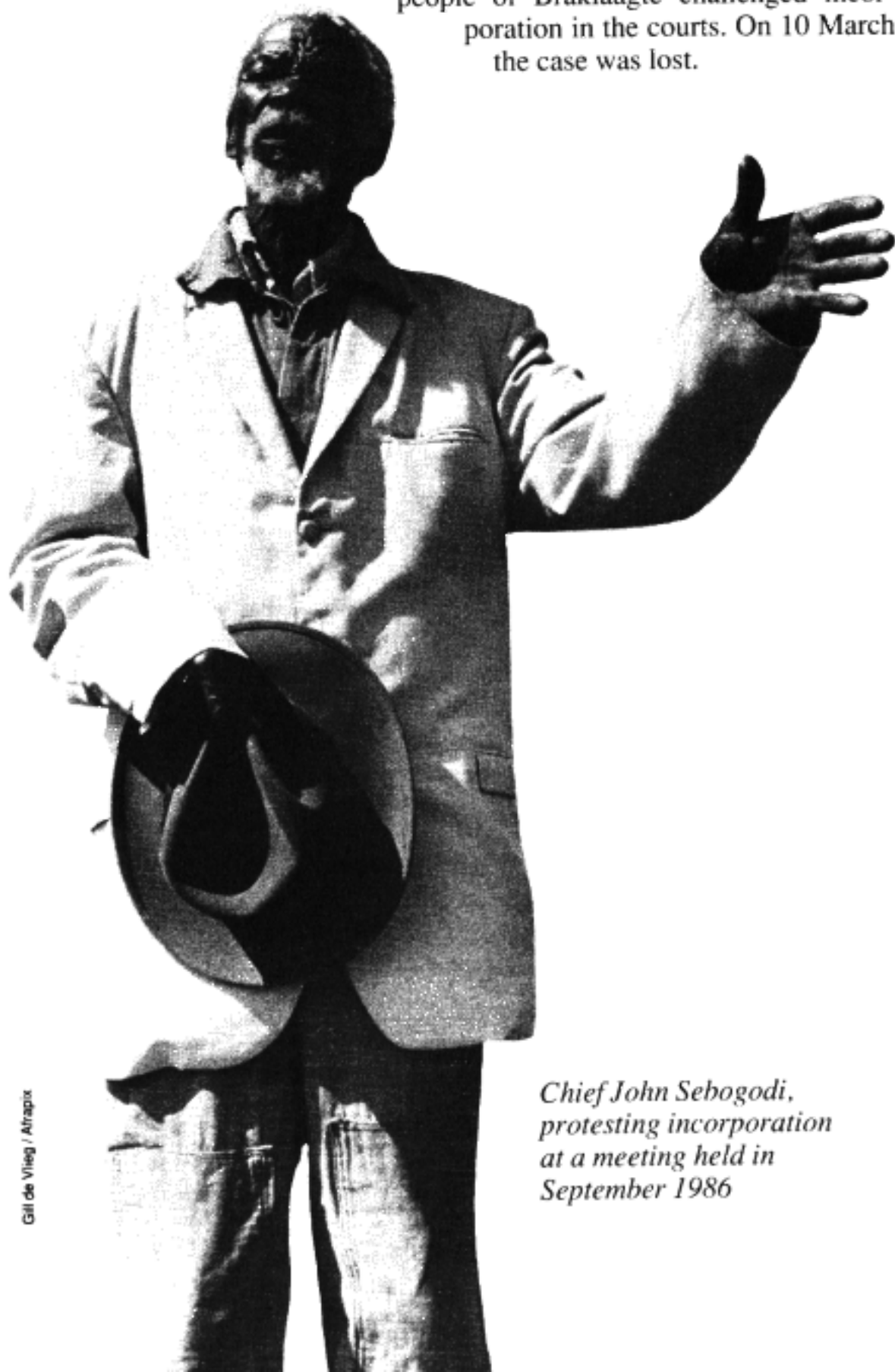
The freedom we seek is a freedom from stereotypes, from arbitrary classification, from prescribed views. It is a freedom based on responsibility to our society and its future. The freedom of that society must be based on discipline, cooperation, consultation and mutual regard. It must be based on the recognition of human rights. It will be built on the foundations we lay down now. That kind of freedom does matter indeed.

Freedom is in your hands - our hands. Together we must work for it, nurture it, and one day we shall rejoice in it. □

resistance and revenge in braklaagte

The bitter fulfilment of predictions made by the Transvaal Rural Action Committee in their conference paper came about shortly after Joanne Yawitch presented it at National Conference. The story of Braklaagte is a telling indictment of the government's policy of incorporation.

On 31 December 1988 the South African government gazetted a proclamation incorporating the western Transvaal community of Braklaagte into Bophuthatswana. This action was taken in the face of massive community opposition based on a clear understanding of the many problems that transferral into independent Bophuthatswana would inflict on it. Under the leadership of acting chief Pupsey Sebogodi the people of Braklaagte challenged incorporation in the courts. On 10 March the case was lost.



Chief John Sebogodi, protesting incorporation at a meeting held in September 1986

The policy of incorporation

'Incorporation' refers to the process through which the South African government transfers black people and their land into the homelands through the redrawing of boundaries. The procedure is central to apartheid policy and has devastating implications for people affected by it.

Incorporation is used to achieve the government's political aims of forcing blacks to live in their ethnically defined homelands. This means that the South African government relinquishes responsibility for meeting their material needs and political aspirations.

Recently, redrawing boundaries and shunting communities from one administration to another has taken place for reasons other than ethnic ones. In the recent cases of Moutse, where 120 000 Sotho were incorporated into the KwaNdebele homeland, and Botshabelo, a vast township incorporated into tiny QwaQwa, the government has used its powers to transfer land and people in order to achieve broader and more varied aims.

One aim is to consolidate fragmented land areas into one block. Others are more directly political and are often linked to attempts to induce homeland leaders to accept independence for their bantustans. Large tracts of land with huge numbers of people have been offered them in return for closer co-operation with apartheid's aims.

Incorporation has been fiercely resisted by many communities who have had it forced upon them. In Moutse, scores lost their lives, hundreds lost their liberty, and the peace of the entire community was shattered by the crisis and upheaval that incorporation caused.

Moutse is perhaps the most dramatic example of resistance to incorporation. But all around the country from Botshabelo in the Free State, to Peelton in the eastern Cape, to Matjakaneng and Braklaagte in the Transvaal, incorporation threats have catapulted communities into active resistance. Moutse was later successful in challenging incorporation in

'Intrinsic to homeland politics is the fact that the leadership is installed by Pretoria and not chosen by common consent.'

the Appeal Court, while Botshabel's incorporation was overturned by the Supreme court. However, incorporation remains a policy which the state has relied on increasingly since its statements that it no longer practises forced removal of communities from land that they own.

Why do these communities react so intensely to incorporation?

The fierce anger with which communities fight incorporation is born of a deep-seated hatred of the homeland system. This is founded on a political objection to the apartheid assumption that blacks should exercise their political rights in the bantustans, as well as on direct experience of the material deprivation and repression that homeland residence means.

The South African government is not noted for the quality of the services it renders to the African population. Yet, however meagre these are, they are better than those in the homelands. In these areas welfare, social security and educational services are inadequate and inferior to those available in South Africa. Pensions are often lower, or non-existent, shortages of medical services and staff far worse, and schooling much more expensive. The administration in the homelands has time and again been shown to be riddled with corruption.

Intrinsic to homeland politics is the fact that the leadership is installed by Pretoria and not

chosen by common consent. Most of the revenue used to run the homelands comes from South African sources. These are channelled to a small and powerful ruling group that is able to use them in ways that entrench their own power and support. Thereafter they are unable to meet the demands of the population. Lack of legitimacy and failure to meet the people's needs means they exert control through repressive means. In Bophuthatswana, there may be a bill of rights, but any meeting of more than twenty people is illegal and likely to be banned unless the permission of the Minister of Law and Order has been obtained.

Repression, corruption, poverty, an inhumane bureaucracy and loss of citizenship: these are the consequences of incorporation. These are the reasons that it is so vehemently opposed.

There are many small and vulnerable communities that are currently under threat. Particularly, those communities affected by the Borders of Particular States Extension Amendment Act are in a serious situation. This Act enables the South African government to transfer land and people to the jurisdiction of the 'independent' homelands of Transkei, Ciskei, Bophuthatswana and Venda. In most cases these land deals are negotiated between the



The Leeuwfontein chief's representative Pupsey Sebogodi, Braklaagte spokesperson (centre) and Chief John Sebogodi, Braklaagte Chief (right) at a meeting protesting the incorporation of Braklaagte into Bophuthatswana in February 1989.

'As South African citizens resident in Bophuthatswana, the people of Braklaagte will have no automatic rights'.

South African government and the independent bantustans without the consent of or consultation with the communities concerned.

Braklaagte is an example of such an area.

Braklaagte's story

Twenty kilometres outside of Zeerust on the road to Botswana, an old and established village nestles in the Marico hills. The farm Braklaagte was bought in 1907 and is the home of about 10 000 people who call themselves Bahurutse ba Sebogodi.

The peace of the community has been threatened many times beginning in 1938 when the government first attempted to remove it. World War II intervened but twenty years later at the height of government attempts to implement the unpopular Bantu Authorities Act and force African women to take passes, Braklaagte was again threatened with removal. However, militant resistance by the Braklaagte community and the politically volatile situation in the Marico area meant that removal plans were again left in abeyance.

However, the government slowly moved ahead with its plans to entrench apartheid structures in the rural areas. Its bantustan policy bore fruit in 1976 when Bophuthatswana (and also Transkei) took independence. Braklaagte together with the neighbouring farm of Leeuwfontein was left outside of Bophuthatswana because of its location in the midst of white farms - the Marico corridor.

This situation was not to remain. A Commission for Co-operation and Development was established to hear evidence and make recommendations to the government on the question of consolidation. In 1985 the commission decided that all the farms in the corridor, including Braklaagte and Leeuwfontein, should be added to Bophuthatswana. This decision was reached without the involvement or consultation of the Braklaagte community.

The people were informed of the pending incorporation as a *fait accompli* by the Zeerust Commissioner and a Pretoria official. They were told that the government was only waiting for the white farms to be bought and then the incorporation would go ahead.

Fears built of bitter experience

As South African citizens resident in Bophuthatswana, the people of Braklaagte will have no automatic rights. Not only will they have to apply for residence permits, but they run the risk of being denied access to social and state services in the same way that non-Tswana residents of Bophuthatswana have been ever since independence.

Even if Braklaagte is allocated social services and other resources by the Bophuthatswana government, these are likely to

be inferior to those available in South Africa. For example, the increases in pensions in Bophuthatswana have lagged far behind South African amounts for many years. The same goes for state subsidies of infrastructure such as schools, clinics and so forth. Salaries in Bophuthatswana also tend to be lower than those in South Africa. Moreover, the people fear that as a consequence of incorporation their children will be born as citizens of Bophuthatswana and will not be able to have rights to live and work in South Africa. They will be treated as aliens in terms of the Aliens Act.

Finally, the community believes that incorporation into Bophuthatswana will now mean the end of the harmonious existence it has managed to sustain for many years. Through many difficulties it has maintained its unity under the leadership of its chief, John Sebogodi. The Bophuthatswana government has made it clear that it does not recognise his authority and that it wishes to impose a pliable Bophuthatswana loyalist as chief over the area. Should this happen the community faces years of strife.

The fears raised about what life in Bophuthatswana would mean are not simply vague and abstract worries. They are born of close and bitter experience.

In 1927 the Braklaagte people bought a farm called Welverdiend (Moswewu in Tswana) about 20 km away from the main village. Many people moved there and a school and clinic were built. Until 1983 it was administered by a headman appointed by the chief at Braklaagte. In that year the area was incorporated into Bophuthatswana. Since then its residents have known nothing but hardship.

After Moswewu was incorporated a new headman, Edwin Moilola, was appointed by Bophuthatswana to look after its interests in the area. The majority of Moswewu's residents rejected his claims to headmanship because they only recognise the authority of people empowered by their chief at Braklaagte. Moilola's installation was neither discussed nor sanctioned by the Braklaagte chief or the people affected by it.

Moilola's lack of legitimacy and the refusal of the residents to deal with him has resulted in his attempting to force his authority on Moswewu. This has taken the form of several raids resulting in assaults and the confiscation of property, redeemable only through the payment of fines to unknown recipients.

The harassment of individual residents has been serious, but Moilola's actions have been detrimental to the community as a whole. For example - the traditional quarry source of sand for the residents is no longer available having been put under private contract between Moilola and a non-local building company, and the offer of a free borehole to help solve the water



Gill de Vlieg / Afrapix

'... decisions taken recently by the government in relation to land, removals and consolidation are wildly contradictory and inconsistent.'

shortage has been delayed for over a year due to procrastination by local Bophuthatswana authorities. There has already been one death in Moswewu as a result of the tension and conflict caused by the incorporation. The rest of the Bahurutse ba Sebogodi see these tragic events at Moswewu as foreshadowing their fate.

In June 1987 the government began to act on the decision of the Commission for Co-operation and Development. Eighteen months later the proclamation incorporating the community was signed by Dr Gerrit Viljoen, Minister of Education and Development Aid. During this time the community was not kept accurately updated with developments, and only met government officials once, on 15 December 1988.

For the Braklaagte community the drawn-out sequence of events has raised fundamental questions about the sincerity of the government's commitment to negotiate with black South Africans. It believes that the meeting on 15 December was no more than one of the necessary steps before the incorporation went ahead, especially since it later came to light in court that the decision to incorporate had already been made.

In this age of 'reform' and 'negotiation' the determination of the South African government to press ahead with one of the most hated aspects of old-style apartheid is, to say the least, puzzling. The government did not at any time dispute the validity of the problems set out by the Braklaagte community. Particularly after last year's coup it is clear that within Bophuthatswana there is significant popular opposition to the excesses of President Lucas Mangope's administration. Why then is it prepared to send its citizens into a situation of discrimination and suffering? The only conclusion is that there is no policy. Thus, the decisions taken recently by the government in relation to land, removals and consolidation are wildly contradictory and inconsistent.

The question of citizenship rights and denationalisation figures prominently in the reasons for Braklaagte's opposition to incorporation. The Braklaagte people are all South African citizens having applied for I.D. Books under the Restoration of South African Citizenship Act of 1986. But as residents of independent homelands they become aliens who may be required to have permits to work and live in South Africa. President Mangope made it clear when this act was passed that people who relinquished their Bophuthatswana citizenship in favour of that of South Africa, are regarded as traitors who do not have rights within Bophuthatswana.

Final incorporation and revenge

In the period leading up to the incorporation the community had made it clear to the South

African government that they feared harassment and persecution by the Bophuthatswana authorities. After the court case was lost the incorporation into Bophuthatswana became final. For about a week after this the area was quiet. Then on Wednesday, 22 March, a large contingent of Bophuthatswana police and army personnel entered Braklaagte and set up a police camp in the middle of the village. A roadblock was also set up at the entrance to the village.

When Braklaagte children at school in Zeerust came home at about 6 p.m. their school bus was stopped at the roadblock. They were ordered off the bus and told to stand in two lines. They were then asked one by one if they supported Bophuthatswana or if they were under South Africa. Those who said they were South Africans were then beaten up by the soldiers with their rifle butts. Some were beaten so badly that their shirts stuck to their backs with blood.

This assault on the scholars angered the entire community. On Thursday night the community again met to discuss the escalating tension. The meeting was then broken up by the security forces using teargas, dogs and sjamboks and people were arrested. Later that night the houses of some Bophuthatswana loyalists were stoned and set alight.

It should be pointed out that Bophuthatswana has attempted to portray these incidents as the spark for the violence. It has also denied that scholars were assaulted at the roadblock. It maintains that the police presence is necessary to prevent the actions of a mob. This is a cynical explanation which ignores the provocative action of the police and army in assaulting and arresting people prior to any community response.

On Good Friday, acting chief Pupsey Sebogodi was detained under section 50 of the Bophuthatswana Internal Security Act. Many people including old people fled the area and hid in the bushes.

The people who were arrested were taken to Motswedi police station and held in terms of the Criminal Procedures Act. Attorneys acting for the community were refused access to these people. After long arguments they managed to see one person, George Mogosi, a 55-year-old Apostolic priest and businessman who had been arrested early in the morning of 26 March. He had been severely beaten with sjamboks, and his back was criss-crossed with welts and bleeding sores. He said that everyone from Braklaagte in the police station had been treated in the same way and that they had also not been given anything to eat. This was corroborated by other prisoners, some of whom had been at the police station since Thursday.

Community attorneys, who by this time had a list of over 100 names of arrested people, tried again to see their clients on 27 March. Despite the fact that the Criminal Procedures Act gives



Gil de Vlieg / Afrapix

A crowd of people from the Braklaagte community protesting their incorporation into Bophuthatswana in February 1989.

people right of access to an attorney from the time of their arrest this was refused by police officers present on the basis that they had been given orders 'from above' and from Mmabatho that they should not allow anyone to see the Braklaagte prisoners.

The next day as a result of intense pressure by the community lawyers 65 people were charged in the Lehurutse magistrate's court with public violence, arson and malicious damage to property. Acting chief Pupsey Sebogodi is number one accused.

After the people were charged, lawyers and relatives were again refused access to them and to the area itself. Some minors who had been released on free bail gave statements. Amongst other tortures they alleged they had been watered with a fire-hose, sjambokked, forced to frog-jump, and had been punched and beaten with leather belts. Policemen had jumped on their backs and stomachs. Their legs had been pinched with pliers, and they had gone without food for long periods. They said that all of the people still in custody had been treated in the same way in order to force them to confess to arson and stonings. An interdict was threatened and the Bophuthatswana authorities agreed to give access.

The events of the last week of March have left TRAC fieldworkers with a sense of *déjà vu*. In many ways we have felt as if we were back in Moutse in January 1986. We have seen many people flee their homes and live in the bush. Both children and very old people have been living in the open. We have seen the shock and trauma of the victims of assault as well as the confusion and pain of a community that has been violated by a vicious and violent force.

We do not believe that access for the lawyers will spell the end of Braklaagte's troubles. Years of experience of these situations shows that once the immediate crisis is over, if decisive action is not taken to resolve the situation, violence and conflict continue with the resultant destabilisation of the entire area.

In the case of Braklaagte, as well as the neighbouring community of Leeuwfontein, it is only the reversal of the incorporation that will bring things back to normal. In both areas the overwhelming majority of the people are adamant that they want to live in South Africa as they always have. The events of the last week with its direct experience of Bophuthatswana repression has reinforced this desire. There will never be calm until this happens. □

POSTSCRIPT: A new Bill which excludes court challenges to the policy of incorporation was tabled in Parliament on 14 April 1989. The Alteration of Boundaries of Self Governing Territories Bill, which also provides for retrospective validation of incorporation proclamations overturned by court decisions, has elicited condemnation from Lawyers for Human Rights (LHR). Part of the statement by Jules Browde S.C., LHR national chairperson, reads;

'We regard the proposed Bill and the Minister's explanation as nothing short of constitutionally subversive. It exposes as a lie the government's professed respect for legality and the rule of law. More particularly it violates sacred principles long established by our courts and indeed, by courts the world over. First, it is the essence of any civilized legal system that all legal power must have legal limits, otherwise there is dictatorship. Secondly, and equally fundamental is the principle that no person may take the law into their own hands ...

The government is now seeking a mandate from Parliament to act in defiance of the law unhindered by the 'inconvenience' of judicial control. ... (we) regard this as a cynical attempt to bypass the courts in order to facilitate forced removals under the guise of boundary relocation.'

re-charging advice offices

Bogged-down caseworkers may need to draw on new perspectives and tactics to make future progress. Dan Pretorius, Transvaal advice office researcher, takes advice office workshop discussions further and provides some forthright prescriptions.

Although the one-and-a-half day advice office workshop preceding Conference was essentially about the kind of practical work typical of advice offices across the country, there were many reports of new problems. On closer analysis even some 'old type' problems revealed themselves as manifestations of new political and economic developments in Southern Africa.

Black Sash advice offices are facing a growing volume of cases: in 1988 some 35 000 clients came to the nine regional offices. In 1989 the numbers are still increasing; for instance, in East London a 1987 average of 66 new cases a month rose to 114 a month in 1988 and to 140 to 180 cases a month so far this year.

The greatly increased workload is most felt in the category of work-related problems. Cases concerning un-

fair labour practices (dismissals, retrenchments, wages and working conditions) make up 35% of the total number of cases in Johannesburg and 25% in East London.

Cases which relate to unemployment (such as claims for the refund of pension monies, unemployment insurance, Workmen's Compensation) form a staggering 61% of total cases seen in Johannesburg. In the more rural areas where employment opportunities are fewer, these latter cases predominate. In the last six months the Grahamstown office has seen 214 people claiming unemployment benefits and 106 people about pensions, as opposed to 33 people with specifically labour-related problems. These are the three major categories of cases seen. Access to a living wage remains the basic problem, although this is less commonly

manifested in the identity document-related 'influx control' type cases which previously formed the bulk of Black Sash advice office work.

Advice office work in wider perspective

This renewed flood of workers' problems into advice offices takes place as we feel the continued impact of South Africa's economic slump. There is a severe squeeze on credit, more balance of payment deficits, sustained pressure to service/repay foreign debts and little promise of significant increases in the future price of gold which would rescue the economy. Multi-nationals like Hewlett Packard who disinvest as a result of shareholder pressure, and Anglo American, who is diversifying out of the country, are examples of capital flight in the wake of political struggles between 1984 and 1986.

The South African economy has experienced a negative growth rate since 1985 - with fewer workers in employment now than then - and is currently heading for an official inflation rate of more than 15%. It is not going to be able to increase its productive capacity or create more jobs for the foreseeable future. More people are being driven on to the streets. The prospect of hunger and pauperism threatens many thousands more. The drop in real wages and rising prices and consumer taxes have meant a sharp decline in household living standards for more skilled workers. This decline is forcing the households of the mass of unskilled workers into an existence below the subsistence level.

In 1989, under the State of Emergency, the effects of state repression and restriction are felt by yet more organisations. Lengthy prison sentences for political dissidents and heavy restrictions on those political activists released from detention exacerbate an already critical situation.



Pick 'n Pay Workers. Gill de Vlieg / Afrapix

Employers have responded to workers' solidarity actions with threats to close unions under the provisions of the amended Labour Relations Act and they continue to enact mass dismissals and retrenchments. Union offices, advice offices and all extra-parliamentary organisations face increasing levels of physical threat to their premises, officials and office-bearers. These range from arson attacks and bombings to hate mail, smear pamphlets and the mysterious disappearances of activists.

Advice offices find themselves continually having to respond to crises. Mass militant action such as the local authority struggles/housing crises of the Eastern Cape and the stayaways around the Sharpeville commemoration of 21 March or the anti-Labour Relations Bill protest of 6, 7 and 8 June last year bring crowds of clients into advice offices. The present context of our work is clearly different from when its main focus was on pass laws and influx control.

New plans of action

In these changed circumstances advice offices are being challenged to analyse their work afresh. The pressure of growing queues of individuals with immediate needs can lead to increasingly routine responses: referrals rather than consultations and a growing mood of paralysis amongst advice office personnel as they struggle to cope with the tide of work.

Early analysis of these problems reveals certain trends: problems which are experienced at an individual level occur repeatedly in whole communities or amongst the mass of the working class. To respond effectively to problems on this scale requires collective action and organisation at a local, regional and eventually national level. The question of access to the inadequate state-administered 'benefits', directly subsidised by workers' wages, through Unemployment Insurance Fund claims is one which should be tackled by such broad strategies.

To do this advice offices need to link up with others in their areas. They would also need to link up with local workers' organisations, civic and youth/student organisations in

order to take up collective campaigns which address the causes of these problems. Clients do not experience their problems in isolation and they need to see how they can link up with others and tackle their problems collectively.

There is a need too for advice offices to engage in lively in-depth debate around these campaigns and problems, both internally and with other organisations, in order to analyse the root causes of the problems such as joblessness suffered by the mass of unorganised workers who come to the offices. Developing new methods and a more informed and flexible approach is dependent on developing theoretical perspectives on the political and economic background to the problems. Is it good enough to carry on working in the way we have become accustomed to doing over the last 30 years? Are 'common-sense' accumulations of previously successful procedures and contacts with lawyers/employers/officials enough to face 40 000-odd problems brought by our worker clients? Clearly not, in 1989.

Deregulation problems

One example of current challenges requiring new plans of action is deregulation - a shift in government policies with growing implications for advice office work. Deregulation is touted by the proponents of 'free enterprise' as part of a solution to the economic crisis. It is argued (in costly television adverts, in business seminars and in the commercial press) that removing what the state refers to as 'restrictions on economic activities' will result in a rash of jobs and small businesses which will regenerate the economy.

However, advice offices are seeing more and more cases of workers in small concerns exempted from wage determinations and industrial council agreements, or from 'homeland' areas exempted from any wage-regulating measures, where these clients are vulnerable to pressures to work abnormally long hours for lower wages, minimal if any leave/overtime/benefits and in unhealthy or unsafe conditions with little or no job security. Advice office caseworkers must explain that in these 'deregulated' situations there is no longer even minimum legal

protection regarding rates of pay, hours of work or leave for these relatively isolated and powerless workers.

Developments like these clearly represent an attack on victories won in workers' struggles in the past for better wages and working conditions at a national industrial level. Moreover, there is no evidence that the deregulated so-called 'industrial parks' for one-room-two-worker-type concerns sponsored by the large companies which dominate the economy like Barlow Rand and the Anglo American Corporation, are succeeding in their stated aims of job-creation. These small businesses do little to increase employment opportunities and are subject to a high failure rate. Some of these businesses do subcontracted work (under more intensively exploitative conditions for workers) for large corporations. The loss of jobs from monopoly corporations' rationalisation measures and take-overs of small firms far exceed any job gains resulting from deregulation.

At the advice office workshop at National Conference caseworkers resolved to identify 'deregulation' cases, to collect information, and to act with other advice offices and workers' organisations in a collective campaign aimed at countering the destructive aspects of this policy.

Another important focus for a major campaign would be housing policy. Advice offices are confronted with the plight of the homeless - the poor need access to affordable land and shelter - and advice office workers will have to engage in similar strategies on this front.

Challenge for the 1990s

Working-class organisations must be rebuilt to take forward the task of leading the mass struggle for food, shelter and democratic rights. Advice offices have an important role to play as a source of continuity and access to resources. They need to analyse successes and failures in order to plan strategically. The challenge for the 1990s is to recognise that the bulk of advice office work is related to the attack on the working class by the state and big business, and to actively align advice office work with working-class organisations in their struggle. □

death row revisited

Since last year the debate about the death penalty in South Africa has seen a broadening of the base of the Black Sash's campaign for the abolition of capital punishment. Conference reports by Jo-Ann Bekker and Barbara Orpen highlighted the plight of 'ordinary' and 'political' death-row prisoners. Here Shona Bagley provides a commentary on insights gained through this research and recent work by others in the field.

Some statistics need to be read slowly. One hundred and ten South Africans were executed in 1988 and there were still a further 279 prisoners on death row. It has been pointed out that South Africa has the highest rate of judicial killings in the world - Iran with 158 executions and a population of 47 million, being the second highest in 1987. China, with a population of 1,2 billion, was 32 executions behind South Africa's figure of 164 in 1987. By comparison, 25 people were executed in the USA in 1987 and capital punishment became a major issue in the 1988 presidential campaign.

In South Africa, with so many political and human rights issues to be addressed, the question of capital punishment comes in very low on the list of priorities. Admittedly, we have come some way since 1969, when Helen Suzman (M.P. for Houghton) called for a commission of inquiry into capital punishment, and was told by the Minister of Justice that there was no public demand for abolition. He was backed by the official opposition, the United Party, who voted with the Nationalists against Suzman's motion. The Black Sash has made a concerted effort to bring the issue into the public spotlight through its recent report: *Inside South Africa's Death Factory*. It has also been involved in the re-launch of the South African Society for the Abolition of the Death Penalty and, at this year's conference, Barbara Orpen and Jo-Ann Bekker reported on work done in the Eastern Cape and the Transvaal to further this campaign.

A few groups such as Lawyers for Human Rights (LHR) and the National Association of



Democratic Lawyers (NADEL) are attempting to address the problem by extending professional and humanitarian help to death row prisoners themselves. Yet the fact is that to date there has been only one commission of inquiry which touched upon the death penalty in South Africa - the Lansdown Commission of 1947, an official investigation into penal reform.

With the world-wide publicity surrounding the Sharpeville Six and the Uppington 25, more attention has been focused on capital punishment in this country, yet the plight of prisoners on death row remains on the periphery of public attention.

The rigid distinction between 'political' and 'ordinary' death row prisoners is now being questioned since, as Barbara Orpen reports, 'It has become apparent that cases arising out of the political violence of 1985 (what has now become known as "the time of the Viva", when scores of people - suspected informers, community councillors, policemen and sometimes ordinary individuals - were killed by what became known as "necklace murders") are not differentiated from "ordinary" murders. Factors such as political motivation and crowd psychology are very seldom - if ever - taken into account as extenuating circumstances. Judges seem to have little hesitation in handing down the death sentence in these matters.'

In September 1988 Minister of Justice Kobie Coetsee announced in Parliament that a staggering 101 people had been sentenced to death for unrest-related offences since 1985. Of these, 17 had been executed.

'A preliminary survey has revealed that by



The illustration above is based on a photograph of clothed bodies found in Sicilian catacombs.

December last year, at least 12 people from the Eastern Cape had been executed for their role in these murders. Apart from Moses Jantjies and Wellington Mielies (convicted of the murder of notorious Kinikini family members) the others seem to have gone to the gallows unnoticed.'

'The two white policemen from Port Elizabeth, who murdered Mlungisi Stuurman from Cradock, were included in the list of Eastern Cape people on death row for politically-orientated offences. While the fact that they were reprieved is welcomed, it also raises some very disturbing questions about arbitrariness and expediency,' says Barbara Orpen.

The vast majority of death row prisoners are black - 97 per cent of the 1 070 people hanged between 1980 and 1988 - and in many cases 'ordinary criminals' can also be seen as victims of apartheid. Poverty and social deprivation, overcrowded, underserviced and segregated black townships, inferior education and lack of job opportunities, combined with the myriad other frustrations and humiliations of growing up black in an apartheid society blur the boundaries between 'political' offences and crimes against a society considered unjust by many South Africans.

The report adds that 'the second sense in which many death row prisoners are victims of apartheid is that they have been processed by a legal system which many - rightly or wrongly - regard as being slanted against blacks. For example, there is not a single black judge in South Africa.'

In South Africa the death penalty is mandatory for murder where a court finds there are

no extenuating circumstances. The only exceptions are when those on trial are under 18, or are women convicted of killing their newborn babies. The onus is on the trialists to prove extenuating circumstances, but the report states that 'Legal precedents have established that economic and social deprivation, political motivation and psychopathy are not grounds for extenuation.'

Sentencing of 'political' murderers has also set a disturbing precedent in South Africa - that of common purpose first applied in the Sharpeville Six case. Barbara Orpen notes that 'common purpose' and the Safatsa judgement, delivered in the Sharpeville Six case, in particular, have been cited in many Eastern Cape necklace trials. Because large crowds are involved, it is often not known who did the killing, but on the application of this principle, active association with a crowd intent on killing is enough for a conviction - and a death sentence. Of the 42 sentenced to death in connection with 18 murder cases common purpose was used as the basis for conviction for at least 24 individuals.

Mzwandile Gqeba, sentenced to death on the basis of common purpose, made a telling comment from the docks: 'Let the court proceed as it deems fit, but the court must know it silences a person who is innocent.' Gqeba was among 14 people charged with the murder of a young woman, Nosipho Zamela, who had associated with a Zulu policeman stationed in Queenstown during the unrest. There was no evidence that Gqeba was one of those who had taken part in the actual killing.

In a number of political murder trials, experts in psychology and psychiatry have testified about the prevailing circumstances and the unrest at the time. They have argued that those factors, together with crowd psychology (the effects of the mob are seen as likely to reduce the individual's capacity of judgement, responsibility and ability to appreciate the criminality of certain actions), amount to extenuation. However, the courts appear very reluctant to accept these arguments, for example dismissing the experts' evidence as 'too general'.

Impediments to justice

Almost a third (32%) of the people surveyed in the Black Sash report relied on pro deo counsel - a system with major drawbacks. Pro deo advocates are appointed by the Bar Council at the request of the court when a person facing the death sentence cannot afford to pay for his or her own defence. These advocates are usually 'the most junior, inexperienced or incompetent members of the Bar'. No attorney is available to assist the pro deo advocate, and there is no money for background work like interviewing witnesses and family members or preparing ex-

'We cannot divorce the courts from the apartheid structure.'

pert testimony for the appeal. Not the least of the problem is that these lawyers are paid by the state, and are thus often mistrusted by the accused, who see them as inextricable from the apartheid society.

Another major cause for concern within the legal profession, according to the report, is the 'apparent arbitrariness with which the death sentence is applied'. 'Some judges convict more easily than others,' said retired Supreme Court Judge R. N. Leon at the relaunch of the Society for the Abolition of the Death Penalty last year.

The bald fact is that all judges in South Africa are white and most trialists are black. The inevitable question of whether racial prejudice plays a part in determining who is sentenced to death has to be addressed. As Judge Leon said, 'It is not easy for a white judge to put himself in the shoes of a black accused.'

Professor John Dugard, director of the University of the Witwatersrand's Centre for Applied Legal Studies, identified two areas of apparent racial bias in the country's judicial system: interracial murders and assaults, and interracial sexual offences. 'In both cases,' he says, 'the evidence suggested the offender was likely to be punished more harshly if he was black and his victim was white than vice versa.'

In a statement from the dock, treason trialist Ismael Ebrahim, jailed for 20 years in January this year, encapsulated the dilemma when he said, 'We cannot divorce the courts from the

apartheid structure.'

Barbara Orpen's report shows that the courts are certainly not infallible. 'Since September 1988, three Eastern Cape men have been set free from death row after their convictions and sentences were set aside on appeal, i.e. they were subsequently found not guilty by the Appeal Court.' Had they not been given leave to appeal, three men now declared not guilty of murder would have gone to the gallows. The fact that mistakes can be and are made by the courts is surely a rallying call for abolition of the death sentence.

Human faces behind death row figures

Inside South Africa's Death Factory affords a glimpse of the human faces behind death row figures. Readers learn that 85% of the prisoners grew up in families which struggled financially: only 15% of the sample were adequately well off; 88% shared a house with five to ten people. Only eight per cent lived in a house with fewer than four people and four per cent lived with more than 10 people. Messina trialist Mthetheleli Mncube told the court that 12 people lived in his parent's three-roomed house in Alexandra, north of Johannesburg. He added: 'The boys spent the night in the kitchen. The girls spent the night in the small dining room. The only toilet was a bucket in the yard outside. But it, and the single tap in the yard, had to serve five other families who were also living in the yard.'

towards a respect-for-life culture

Abolitionists have been called sloppy and sentimental for defending the right to life of murderers. Brian Currin, national director of Lawyers for Human Rights, reasoned differently in these extracts from his speech at the launch of 'Inside South Africa's Death Factory'.

It is important that we ask ourselves why we support abolition of the death penalty. We are a small minority even in those countries where capital punishment has already been abolished. Christians find support for capital punishment in the Bible and religious institutions world-wide are certainly not unequivocally opposed to executions.

If a murderer shows no respect for human life surely he forfeits his right to life. In this research project we read about gruesome murders. We read about an old man in his 80s being bludgeoned to death with a brick; we read about a 14-year-old girl being raped and killed. How can we defend right to life of people who commit such heinous acts?

To answer this question the starting point

ought to be the Universal Declaration of Human Rights which was adopted and proclaimed by the General Assembly of the United Nations on 10 December 1948. Article 3 provides for the *Right to Life* and article 5 declares that no one shall be subjected to *Torture or to Cruel, Inhumane or Degrading Treatment or Punishment*. In its struggle and campaign against the death penalty, Amnesty International, which has spearheaded the campaign for the past 40 years, repeatedly quotes these articles.

On face value, against the realities of the world in which we live, I think one must admit that these articles have a definite ring of idealism and sentimentality. However, to understand the meaning and relevance of the international campaign against capital punishment to the human rights cause, one must consider articles 3 and 5 in the context of the whole document.

In 1947 while the Universal Declaration was being drafted, the General Assembly linked the enjoyment of human rights with the maintenance of international peace and

'Eight per cent of the sample cases took less than a day for the full trial, conviction and sentencing.'

The vast majority of the sample - 92% - did not matriculate. Twenty-three percent passed Std 4 or 5, 42% completed Std 6 or 7, and 27% passed Std 8 or 9. Twenty-one per cent dropped out when schooling was disrupted by student boycotts.

Personal details leak through the statistics in the sample: Messina trialist Mzondeleli Non-dula began sniffing glue and smoking dagga at the age of nine. Rodney Molo, raised in his aunt's shebeen, began drinking alcohol in his teens. Such personal details may not come up in court when the accused has a pro deo advocate with insufficient funds for investigating his client's background.

One of the Black Sash report's most stunning set of statistics revolved around the length of trials involving the death sentence. Eight per cent of the sample cases took less than a day for the full trial, conviction and sentencing. Seventeen per cent lasted two to three days and a third lasted less than one week. The length of a trial relates to points previously made concerning pro deo defence: 90% of the sample's funded political trials lasted more than a month, whereas many trials with pro deo counsel lasted just one day (21%) or less than four days (57%).

First steps in the campaign

A few of the more fortunate accused and sentenced prisoners on death row are those who have been helped by concerned lawyers and criminologists. LHR have set in motion a

scheme whereby they ensure that people on death row explore all options to staying execution. Last year they managed stays of execution for ten out of 55 people scheduled to hang. This, despite the Department of Justice's refusal to publish the names of prisoners who have received final notification they are to hang. In addition, two criminologists from the National Institute for Crime Prevention and Rehabilitation of Offenders (NICRO) are providing voluntary assistance in pro deo cases. So far they have been involved in 12 cases, and in none of them was the death sentence imposed.

Thanks to the efforts of groups like NADEL, LHR, NICRO, the Society for the Abolition of the Death Penalty, the newly-formed Family and Friends of People on Death Row and the Black Sash, the issues surrounding the death penalty are receiving more public attention. The Black Sash has joined these groups in calling for a commission of inquiry into the death penalty, and a moratorium on all executions pending the commission's report.

Signs are that the campaign is paying off: from 164 hangings in 1987, there's been a decrease to 117 last year. Reprieves rose from 18 in 1987 to 49 in 1988. And the number of reprieves last year was significantly higher than the average of 29 for the previous four years.

Nevertheless, the incidence of death sentences and hanging is still frighteningly high, and abolition of the death penalty is still not the high priority issue it should be in South Africa. □

security. This theme was repeated and emphasised on numerous occasions. The Commission on Human Rights in 1976 pointed out that flagrant and massive violations of human rights could lead the world into armed conflict. The prediction is that unless individuals, organs of society and states strive to promote respect for human rights and freedoms and secure their observance, this world will destroy itself.

In its entirety, the Universal Declaration of Human Rights sets standards which are essential for the achievement of a society which respects the dignity of human kind, which respects humanity - a society made up of people who respect one another and who respect life, who respect the right to life and the right not to be subjected to cruel, inhumane or degrading treatment or punishment.

As a Human Rights law group, we *inter alia* promote a 'rights culture' for South Africa. Surely the long-term objective of those who are campaigning against the death penalty is a 'respect-for-life culture'. The

abolition of capital punishment is only one of the many hurdles towards the achievement of such a culture.

We in South Africa are living in a 'killing culture'. We have become accustomed to reports of the brandishing of fire-arms and open aggression, the high incidence of violent crime, the 10 000 deaths per annum resulting from aggressive driving, horrific necklace murders and bombs in Wimpy bars. We hear too often of the killing of innocent civilians including children by South African armed forces both in the name of hot pursuit outside our borders and the fight against 'communism' in our townships.

The abolition of capital punishment in South Africa would be a major breakthrough towards the eventual establishment of a 'respect-for-life culture'. The fact that the vast majority of South Africans probably favour capital punishment is not an argument against abolition but an argument for abolition because it confirms the existence of a 'killing culture'. □

Looking hard softly may sound like a contradictory notion, but I think this is exactly what we need to do in reflecting on our two-year association with the Federation of South African Women. What follows is a personal view which may help to stimulate debate in other regions.

The role of a Federation of South African Women has in the past been open to different interpretations. In the present political situation the Federation aims to bring together the women of South Africa to secure full rights for women in a non-racial, united and democratic South Africa.

It is significant that in the guiding principles of the Federation, which at the moment function as a draft constitution, the liberation of women from all forms of oppression is seen as an integral part of the transformation of our society and not as something to be addressed only in a post-apartheid South Africa.

Inherent in the principles of the Federation is a commitment to women's issues which can in due course serve as the basis for a common consciousness across the divisions of race and class. That is its great emancipatory potential - the realisation of which is fraught with difficulties in the present political situation.

One of the problems in the liberation movement is the absence of a coherent theoretical foundation of feminism as a philosophy of transformation. Too often, feminism is dismissed as bourgeois, irrelevant and divisive.

As a result, the debate on women's issues has become polarised around two different approaches to liberation. On the one hand, there are those who insist that women's issues should be subordinate to the liberation struggle (national liberation first, women's rights later) and, on the other, those who assert the right and necessity for women to organise autonomously within the democratic movement.

The irony is that far from being irrelevant, it is the very lack of a feminist analysis that leads to misconceptions and confusions! The polarisation is a consequence of ignoring the gender content of the struggle as it is, and failing to grapple with theories that could give

fed saw relations

The experience of serving as a Black Sash representative on the Federation of South African Women in the Western Cape has given Karin Chubb a rare vantage point for beginning a challenging personal reflection on the process.

the women's struggle a coherent rationale.

In my view, the type of feminism most appropriate to this task derives from the socialist model, which is the most inclusive, in that it does not separate women's issues from other political concerns. Socialist feminism rejects the distinction between public and private spheres of existence, it aims to end not only women's oppression but all forms of exploitation, thus furthering the possibility of alliances with other groups engaged in combatting varied forms of exploitation.

Historical roots

The historical roots of different approaches to Fed saw's role are easily traced. Black women in South Africa have, historically, been more militant and often better organised than their male counterparts. This militancy can be directly related to the root causes of their oppression: Women have been militant and innovative in the pass laws and the defiance campaigns, the food and beer hall riots, the rent boycotts, because as women they were mainly responsible for cheap labour, for maintaining rural reserves without input of capital and labour, for the family and the education of children. This is epitomised in Lilian Ngoyi's famous phrase: 'My womb is shaken when they speak of Bantu Education'.

The history of women's resistance in South Africa clearly shows that the philosophy on which the women's movement is based is one of social transformation. It is an inclusive type of feminism that links women's issues with other political questions and concerns. It is not anti-male (a common misconception around the topic of feminism!) when

it demands the right of women to organise separately around their own oppression within the liberation movement.

In contrast to this approach, there is another understanding of feminism that is evident in our own organisation in the Black Sash Women's Charter of 1979. It reflects class aspirations and does not sufficiently challenge the exploitative aspects of the economic system within which it demands equal rights. The historical roots of this liberal model go back to suffragette struggles. A revision of our charter would be a useful way of involving the organisation in a debate around theories of feminism!

In practice, the acceptance of feminist perspectives is a slow process. Women's militancy and women's demands are seen as a threat to an established patriarchal order.

The accusation of divisiveness is one which bedevils progress within the women's movement. It inhibits debate around crucial issues such as sexism, sexual violence and sexual rights, oppression within the family and oppression of women by women - and around the question of women's rights after liberation.

Avenues of reconciliation

Where women's groups are drawn from such divergent points of the social and political spectrum, how is unity to be achieved?

Political unity of action relies on some degree of perceived unity of interests. This cannot be assumed or declared: it needs to be discussed, explored and negotiated. The parameters of commonality must be clearly understood if associations such as Fed saw are to work.

Divisions of class and of class interest are real, in spite of common areas of concern. A common opposition to oppression and apartheid does not necessarily mean identity either of interest or of the focus of political involvement. Where the consciousness of gender oppression is either suppressed or ignored (i.e. where there is no awareness of how society forces people into roles along gender lines), it can become problematic to base actions on assumed commonality, however genuinely that assumption is motivated.

In the Western Cape, recent events around the conscription issue illustrate this point: While all parents naturally are concerned for the future and welfare of their children, the political reality of South Africa is such that our concerns are often located at different points of the chasms that run through our social fabric. When I first raised the issue of white families suffering under the oppression of apartheid, i.e. under militarism, this was then clearly not an issue in the Federation. However, since the trials of a number of conscientious objectors, and our own involvement in the Federation, this has changed. Evidence of this is the very sincere and moving statement of support given by the executive of the Federation to the mothers who are standing publically against the present conscription system.

But we must remember that although the concern about conscription and its appalling human toll is now more understood in the black community, the attitude to militarism and the militarisation of young people may well be different: while many black mothers may appreciate the stand that objectors take, they feel obliged to support their own children's decision to join the armed struggle and may view them as patriots and heroes - a view that some white mothers may share. To deny this viewpoint, or to challenge it in these present conditions would be insensitive. It is a debate that will have to happen in the future - especially when one thinks of militarism in a post-apartheid South Africa that has nuclear capability.

But it is well to remain aware of existential differences between organisations, even while working towards common ground. This is one of the challenges of involvement

with another organisation across the race and class divide.

Lessons for the future

What lessons can we as Black Sash members take with us into the future?

We have to date seen our role as one of participation in common projects and support of specific issues. As far as we are concerned, the work inside the Federation has been carried by relatively few dedicated Black Sash representatives. Within the Cape Western Region there definitely is a strong sense of commitment to this association, and an increasing realisation of its importance. This, however, is not a one-way process. Involvement with a mass-based women's movement poses new challenges to our own organisation. It goes without saying that the kind of organisational experience which is opened up through association with FedSaw confronts Black Sash members with a different social reality and with a way out of the ghetto into which the laws of the state have placed us all. But those are commonplace insights which would in themselves not support a lasting and stable association, especially if they engulf women in 'white guilt'. Actions motivated by guilt (or a subtle exploitation of that guilt) build barriers and cannot be liberating.

What is happening on a deeper, more subtle level is the beginning of a more fundamental process of questioning. As more Black Sash members begin to explore the question of women's oppression and women's issues, we begin to focus on feminism in a new and more urgent way. Questions arise around the identity of the Black Sash as a movement which, though consisting of women, is not really a women's movement. This debate is at present located in the Women's Group of the Cape Western Region - a new and vibrant interest group which will be featured in the next issue of SASH.

In our involvement with FedSaw, it is becoming obvious where the challenge to the Black Sash lies: to use the considerable resources of this organisation to educate ourselves and others about the role which we as women can play in the process of social transformation. The contribution which we could make now will

contribute to the sort of future which we would like to see in this country. As women we still have the space to do this - as long as we are prepared to engage in a process of self-education and remain open to change.

There is a need to move away from Eurocentric paradigms and frames of reference. We should help to make accessible the information that is available on women in post-revolutionary countries, where the subordination of women's issues to the process of liberation has often led to the continued neglect of women 'post liberation'. This work needs to be done now - simply because later may be too late. Gender oppression cuts across lines of class and race and may prove to be more difficult to eradicate than class or race oppression.

It is important to note in what way women were or were not incorporated into the broader struggle, for the form a revolution takes, predicts and reflects the form of the new state that arises out of the liberation struggle. In the same way, women's participation in the struggle and society's attitude to that participation predicts the nature and extent of women's oppression or liberation in the new society. (Wits Cooperative, Nusas Conference 1982)

Finally, what kind of role should or could FedSaw have in the future?

By putting women's issues firmly on the agenda of the liberation movement now, women can help to ensure the recognition and protection of their rights and freedom in a future South Africa. Beyond this somewhat obvious, programmatic answer it is difficult at this stage to be more precise. It is difficult for any umbrella political organisation in South Africa to have a coherent, proactive, future-orientated policy in the flux of the present political environment. Organisations like the Black Sash, as well as other more broadly based opposition movements are grappling with the question of how to act strategically on the basis of a sound analysis of the changing context. The difficulties for a Federation are immense in this respect.

Perhaps one cannot ask for more at this time than to be part of the process that is working towards genuine change - and towards freedom and peace in our country. □



honouring Noël

Noël Robb's 34-year contribution to Sash was honoured recently when National Conference made her Honorary Life Vice President (see opposite). She is one of a group of pioneers who have left an indelible impression on the organisation.

At 75, Noël Robb is probably the kind of woman many of us would like to be. Thirty-four years in the frontline of the Black Sash have not deprived her of the kind of energy needed to sustain what often appears to be a hopeless battle.

She has been on the Cape Western regional council of the Black Sash since 1955 and was director of the Cape Western advice office for many years. She attends all council meetings and works three days a week in the Black Sash advice offices in Mowbray and Khayelitsha where she is considered an expert resource person.

Born in Plymouth, Devon, on Christmas Day in 1913, Noël came to South Africa to teach science and maths at St Cyprian's High School in 1936.

Her mother, who was a South African, had told her about the country and she immediately felt at home. Here she met and married her husband Frank and became the mother of five children. Two of her daughters are active members of the Black Sash, the other two are members of Women for Peace and her son is the administrator of the Alexandra Clinic in Johannesburg.

A spell in South America alerted Noël to the injustices that lurked at home in South Africa. Although poverty existed in Brazil, there was a colour blindness which afforded everybody the same opportunities.

On her return to South Africa, she was 'hit between the eyes' when 'coloured' people were asked to leave a queue in which she was standing. Shortly after this, Noël joined the Black Sash when support was first rallied in opposition to the Senate Bill to remove 'coloured' voters from the common roll in the Cape.

'I had decided to give up all my outside activities and concentrate on rearing my young son who was very delicate. Instead, I was one of the first people to join the Black Sash in Cape Town and started neglecting him from that day!' Noël recalls. 'In the early days we all thought this was going to be a very short sharp protest so we dropped everything.'

She took part in all the early protest actions across the country and soon became actively involved in studying and opposing legislation that has caused so much anguish - the Group Areas Act, Pass Laws and Bantu Education.

Noël's greatest contribution to the Black Sash lies in her work in the advice office. From 1962, she was director of the office first sited in Athlone and today in Mowbray. The Black Sash advice office has one of the most complete records of the entire period of Pass Laws and Noël believes the work done there went some way to their eventual abolition a few years ago.

Her most recent battle was to dislodge a backlog in the payment of pensions to elderly Africans. After exhausting all official channels, she called a press conference to highlight the plight of some people who had been waiting for three years for their payments. Although the problem continues, the Cape Provincial Administration were called on publically to explain the reasons for delays because of the meticulous information Noël provided.

Noël has a reputation for hard work and for setting high standards, but those who have worked with her pay her the highest compliments.

'She has the incredible ability to listen to people's arguments and be prepared to change her mind,' said Sue Joynt, former Cape Western ad-

vice office co-ordinator. 'She can be very dogmatic and determined if she thinks she is right but she still listens. Once you have persuaded her she will be one hundred per cent behind you.'

Barbara Versveld, who spent ten years in the advice office working alongside her, remembers that while she was a 'very demanding boss' she never asked anyone to do a task she was not prepared to do herself.

'I am keen on Sash remaining women only,' says Noël, 'because I feel women are much more able to change their thinking as they get older through their close association with the thinking of their children.' Noël finds herself having to adapt to the thinking of her 12 grandchildren aged 13 to 22 and is preparing herself for another generation in the form of her great-grandchildren.

She is also critical of those who believe the Black Sash must preserve its 'credibility' with other organisations. 'I believe Sash must do what they think is right and not try to please anybody else. In the early days we had wars with our husbands, Chambers of Industry, businesses who hated our guts. You have got to have the courage to do what you know is right, even if it annoys your husband or the people on what I call my dance list. You mustn't worry what other people will think of you. Young Sash members are so worried they will lose their credibility with black people and black organisations. They might lose their integrity in this way,' is her emphatic view.

Along the same lines, Noël believes that the Black Sash will always have a role to play as an organisation acting for 'moral' and not 'expedient' reasons.

'Whichever new government gets in they will be doing things for pragmatic reasons and we will be standing outside opposing them,' she believes.

Does Noël think the Black Sash has failed as the bitter fruits of Bantu Education and the Group Areas Act are harvested today? No, she doesn't. 'Just think how things would have been without the Sash,' she responded.

The honour recently awarded to Noël seems to express the very same sentiment about herself: just think what the Black Sash would have been without her. □

grave worries about schools

The uneasy calm in township schools hides a steadily worsening situation. Candy Malherbe outlines the essence of Black Sash education monitors' reports to conference.



Omar Badsha / Afrapix

'Once again, matric results were disastrous, detentions of students continue, many hundreds of black children are receiving no schooling at all, and there is a critical shortage of teachers. The crisis in black education has not gone away.'

(Transvaal Region Education Report).

'All South Africans will be affected by the events taking place in black schools.' (Western Cape Update)

Education monitors admit to a sense of *déjà vu* - to feeling almost apologetic for the fact that there is still little that is hopeful to report and much that points to a widening gulf between public awareness and the actual conditions in our schools.

How, they ask, can one counteract the delusion, which is widespread among whites, that township schools are 'quiet' when the media by and large reflect misleading official versions of events? What is the answer to the widespread perception among blacks that the obstacles to effective schooling are deliberate?

Examples of the worsening situation, since the recent Special Education Focus in SASH (Vol 31, No 2, Sept 1988), include:

- restrictions placed on key organisations engaged in the teacher unity movement, e.g., WECTU (Western Cape Teachers' Union) and DETU (Democratic Teachers' Union) and also on student groups, e.g., WECSO (Western

Cape Students' Congress) and SOSCO (Soweto Students' Congress);

- the shocking results of black matriculants in 1988: a 54,4% pass rate in the country as a whole with even lower pass rates in main urban centres (Soweto - 37,8%; Western Cape - 34,14%), as well as evidence of malpractice in the marking of matric exams and the issuing of results;
- charges of corruption brought against top officials in the DET (Department of Education and Training) and gross examples of maladministration;
- financial cut-backs resulting in the non-provision of amenities (electricity, desks, the promised

'finishing schools' for failed or weak matriculants), the freezing of posts and increases in teaching loads;

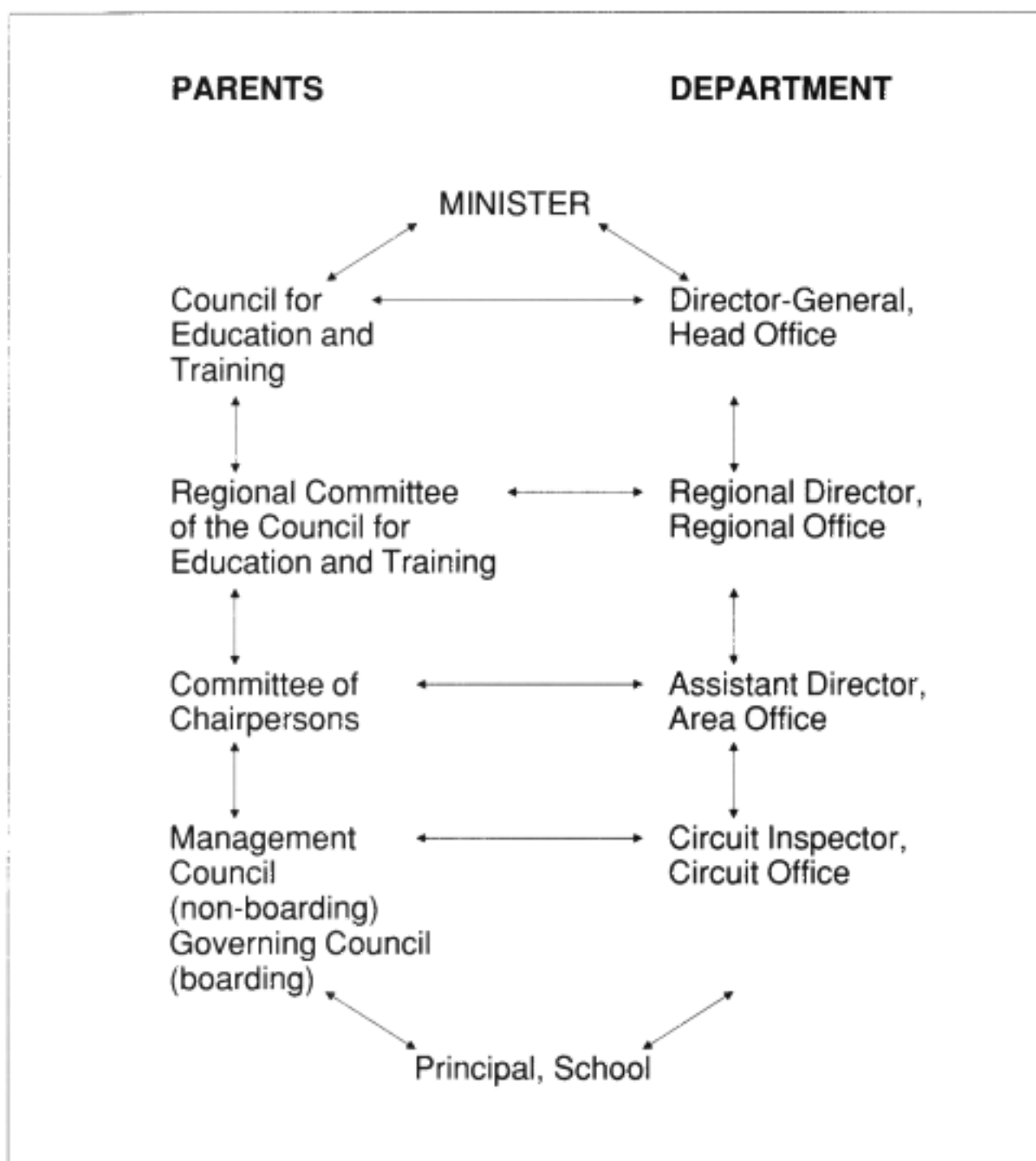
- more white principals appointed in black schools, while 'progressive' teachers are being retrenched, denied promotion or transferred - as in the 'coloured' DEC (Dept of Education and Culture) schools;
- more black pupils denied admission on spurious grounds, such as departmental concern regarding class size.

Amendments to existing regulations in terms of the Education and Training Act (No 90 of 1979) were gazetted on 25 November 1988. Initially, objections were raised against those clauses which refer to the suspension and expulsion of pupils. Students claim that they are not informed of regulations which apply to them: in the words of a Transvaal pupil in a DET school, 'you only find out about a regulation once you have broken it'. To ask to see the regulations, they say, is to risk being labelled 'political'.

More recently, attention has turned to other clauses of these regulations which provide for new management/communication structures in DET schools (see box). The manner in which the alleged intention of the regulations ('to provide for increased parent and community involvement in - and responsibility for - education') is subverted during the process of implementation has been observed:

'The DET had undertaken to "explain" the new structures to the parents and consult with them. This did not happen in the Western Cape. Two inspectors went from school to school putting in motion the electoral process. They have been met with bewilderment, confusion and requests for time to discuss and negotiate. These have been ignored and voting has been pushed through. It would appear in some schools that a core of parents is previously co-opted to acquiesce in the proceedings and become part of the committees. The rhetoric of "acknowledging the indispensable role of parents" is hollow and cynical. At some schools, it is alleged, two additional members have been voted onto the old School Committee, bringing the number up to the required nine, and the School

New management/communication structures for schools falling under the Department of Education and Training.



Despite assurances that the structures shown above have direct representatives of the parents and that they are being given extended powers and functions, control continues in the hands of the Department of Education and Training. The DET have indicated that Student Representative Councils, Parent Teacher Associations and Liaison committees can exist, though not provided for by regulations. We hope the DET will honour its commitment to the alternative structures. If these can exist, why not Parent Teacher and Student Associations?

Committee reconstituted as a Management Council.' (Sue Philcox, Black Sash representative, Education Forum, Western Cape - abridged by ed.)

This 'top-down' approach and the manipulation at school level belie the claim that democratic, representative

structures for parent involvement in black education is the aim. Black Sash education monitors remain unanimous in the view: 'It is imperative that the state provide equal primary and secondary education for all its children by means of a single education department'. □

report-roundup

These brief extracts from reports to Conference reflect several distinct areas of Black Sash work. Advice office workers, fieldworkers, court and repression monitors, and regional office bearers report from different regions.

Regional Reports

From the Transvaal Regional Report:

We were woken in the early hours of 1 September to the news that Khotso House had been the latest target in a long list of attacks on anti-apartheid and community-based organisations. As we surveyed the devastation from beyond the police cordon, our first reactions were a mixture of rage and bewilderment. Later, much later, did sorrow take over. Sorrow for the House of Peace that was home to so many brave, committed people who worked there and the thousands who came to seek help or solace.

- In Koster (Western Transvaal), five members of the Koster Residents Association decided to contest the October elections, and were duly elected. They have so far successfully resisted a 50% rents increase and have got the authorities to agree to upgrading the township roads. The provincial authorities tried to get them to agree to the building of a new township by offering to name the streets after them, but they firmly rejected this offer.

From the Southern Cape Branch Report:

The average age of members in the Southern Cape branch has dropped this year and the writers of a leaflet which appeared in Lawaai kamp alluding to 'senile old women such as Harding, Dugmore and others' are going to find they now have a lot more youthful energy to contend with!

From the Albany Regional Report:

Like the rest of the country Albany witnessed the false excitement whipped up for the municipal elections. In a total of 49 townships in the Eastern Cape and Border, only 25 had elections. In about 50% of the townships (and that included Grahamstown) there just weren't enough candidates willing to come forward to warrant elections.

- When we came to analyse the functions of the Black Sash here we realised what an Alice in Wonderland world we live in, when our interminable 'domestic' meetings of the Albany Sash were turned into 'revolutionary ideological discussions'! For Vlok, in giving reasons for Janet Small's detention, accused her of attempting to establish Marxist and Leninist study groups in order to create a revolutionary climate in the Eastern Province!

From the Border Regional Report:

Once again the Sebe family feud is threatening the life and safety of an estimated 80 000 Transkeians now resident in Ciskei. They have been ordered to be out of Ciskei by the end of this month or face deportation. There are road blocks all over the place turning back Transkeian cars and searching their occupants. Ironically enough some of the Ciskei soldiers are themselves Transkeians. Great concern about the dispute has been expressed by civic and industrial leaders in East London who are worried about the economic effects on the region. Terrible personal problems are also being created for the many families who could be split up as a result of this action.

From the Cape Eastern Regional Report:

The probability of a big Eastern Cape treason trial continues to loom while various terrorism trials are currently in progress. This is in an area where great concern is expressed at the two-year backlog in civil and criminal matters.

Justice delayed is justice denied. It's a saying as old as the hills but as valid as ever.

In Port Elizabeth this month a judge found that there was no case against one of four persons accused of murdering a farmer. He walked out of court a free man. But he had sat in jail for two-and-a-half years waiting to be tried. (EASTERN PROVINCE HERALD Editorial, 31 January 1989)





Fieldwork

From the Cape Eastern Region Fieldworker/Co-ordinator Report:

In Klipplaat it is common procedure for kitskonstabels, after pension and payday, to effect multiple arrests for drunkenness imposing a spot fine of R25. It is reported that police enter private homes and arrest people who have been drinking, regardless of whether they are drunk or not. Some are even taken from their beds. Recently people opted to go to court instead, and apparently a recent court hearing was so crowded that the magistrate furiously dismissed all the drunkenness cases as a 'waste of his time'!

From Report on Fieldwork in the Albany Region:

It isn't that there have been many new detentions this year that has worried us as much as how long some of the detainees have been held. There are 40 people in detention in Albany, three of whom have been in for nearly three years. Many more are serving their second and third detentions. There has been no movement in their cases. The strain on families is enormous. It's hard to sustain the focus of attention for as long as this - but we try to think up creative ways.

From the Cape Western Fieldworker Report:

There is a predominantly 'coloured' squatter camp at the foot of Sir Lowry's Pass whose residents have approached us for advice on what to do about threats of eviction from Regional Services Council officials. There are 43 dwellings and about 200 residents. 84% of households have breadwinners who are quite prepared to pay rent. But there are no houses available for them to rent and nowhere for them to go, and the waiting period for 'coloured' housing is at least two years. Are they expected to walk off the edge of a cliff and simply disappear?

From the Southern Cape Report:

During 1988 we had a visit from the Security Police who removed files - they were returned the following morning. But David Nxale, our office administrator, received three visits between 2 and 4 a.m., ostensibly for information about the Advice Office. After the last one, smoke bombs were fired at his home. A letter was sent to the Mossel Bay Security Branch to say we felt these visits were not for the purpose of information but to intimidate, and asked that any future request be made at our office during daylight hours.

Advice Offices

From the Cape Western Region Advice Office Report:

(On the removal of Kraaifontein squatters) Eyewitnesses who saw the results of the plunder of the people's possessions, dumped in the municipal yard while the people were in court facing trespass charges, say it was devastating. This same municipality has reached heights of notoriety recently with the cruel eviction of a so-called coloured family from their house by switching off water and lights.

From the Johannesburg Advice Office Report:

Case histories show an alarming trend towards disappearances of activists. Some reports also suggest that the security forces, since the declaration of the third successive State of Emergency along with all the attendant new regulations, are not accountable any more. Some reports refer to killings where the reason given does not appear to tally with the circumstances, for example, one client who visited the Johannesburg advice office alleged that a child was shot during break at school, and the reason given was that the child was 'a car thief'.



From Natal Coastal Region Advice Office Report:

We had an astounding 155 per cent increase in new social pension cases. The great majority of these fell under Natal Provincial Administration (NPA), the House of Representatives, the House of Delegates, or - as in the case of Mrs Willems, an old-age pensioner who hasn't been paid since she moved from KwaZulu to the Transvaal in 1987 - in a peculiarly South African limbo between departments.

- (Also on pensions)

Two women died while waiting to collect their pensions in KwaMashu this year. In November Flora Mdlala who had been standing in the queue for about 11 hours, fell and was trampled to death and in January, Florence Ngidi, who suffered from high blood pressure, collapsed and died after a long wait outside in the hot sun. Confusion and chaos surrounded the new NPA payout procedures. In May police sprayed teargas into a large crowd waiting to be paid in Umgeni Road and in September, some NPA pensioners were still having to spend more than four days in the queues before collecting their pensions.

From the Port Elizabeth Advice Office Report:

(On labour conditions for security guards)
Their conditions of service seem to be particularly hard with very little protection against unfair labour practices. In the middle of the year we had a spate of cases where the workers had a week's earnings deducted for not giving formal notice. The workers all said that at the time of leaving they were told to come back in a few days to collect their wages. When they did so, they noticed the deduction. Unfortunately this occurred to scattered individuals and not to a group of workers, so proving bad faith on the part of the employer was difficult without supporting evidence from co-workers.

From the Border Region Advice Office Report:

(On Ciskei and Transkei bureaucracy)
The state structure is excessively clumsy, inefficient and seemingly untrained. We have had

cases where we think the problem is sorted out, yet a few months later we discover we are no closer to the solution. We are nervous to be aggressive as Ciskei reacts very badly to criticism. They also do not seem to have the vaguest idea who we are or what we stand for.

Repression and Court Monitoring

From the Natal Coastal Region Repression Monitoring Report:

Detainees at a Durban centre have sent out a letter requesting intervention regarding their continued detention and the conditions under which they are held.

This is a summarised version of the letter: Most of the people held have not been interrogated and thus they are completely in the dark as to the reasons for their continued detentions. This is causing anxiety, particularly since they are held in virtual solitary confinement in single cells. They are not getting exercise or reading material. The food consists of stale leftovers from the police mess. One of them was severely assaulted and despite hospitalisation has tried in vain to get access to a lawyer ...

From information available, a total of about 300 people were in detention in the Durban area in the period from November 1988 to January 1989; approximately 81 people were released from October 1988 to mid-February 1989.

- (On harassment)

Fredville: Inkatha members all fled this area after fighting between comrades and Inkatha and now the comrades are fighting amongst themselves. Groups of young boys and girls claiming to be comrades have been terrorising residents: at the slightest provocation they assault residents or threaten to kill them. People are too scared to sleep at night and parents have lost control over their children ...

A Black Sash member who has been closely involved in the Ngqolosi area has compiled the following: ... A group of armed vigilantes has been attacking people they claim are UDF or ANC supporters. Houses have been burned. There have been many cases of rape. There is reason to believe that the chief of the area and his *indunas* support the vigilantes and may even be organising them.



■ **From the Report on the State of Emergency in the Eastern Cape** (summarised):

As part of government policy to 'turn back the revolutionary tide', as Law and Order Minister Adriaan Vlok puts it, the National Security Management System (NSMS) has set up Joint Management Centres at regional level (9 in all). Each is composed of approximately 65 officials and security service officers. Sixty sub-JMCs are directly below, approximating the Regional Services Councils and consisting of city officials and local South African Defence Force (SADF) and South African Police (SAP) commanders. At grassroots level there are 448 mini-JMCs. These bodies concentrate on their areas - keeping tabs on local figures, especially activists, and drawing up proposals with suggestions for community improvements and to alleviate local grievances. Vast sums are channelled into the townships for this purpose, as part of the government's 'hearts and minds' campaign. This includes targeting 'oilspots' or strategic bases from which the security forces believe they can 'regain control' over the black population.

■ **From the Transvaal Region Court Monitoring Report:**

An important trial concerned eight youthful activists from the same township, Alexandra, who were charged with treason and subversion. Following a lengthy trial all eight ... were convicted of sedition ... They were members of the Alexandra Action Committee and during the trial the state made use of what has become a common tactic of producing secret witnesses. These witnesses are often supposed to be former members of the African National Congress (ANC). Defence teams have been hampered in their cross-examination of these witnesses ... by state demands that their identities remain a secret. The procedure, by its very nature, undermines one of the basic rights of the accused: to know who their accusers are.

■ **From the Cape Western Region Court Monitoring Report:**

Between October 1985, when this work began, and December 1988 we monitored 506 cases, involving approximately 1 828 individuals, and the monitoring group notched up about 890 court attendances. The work has continued to cover nine courts in Cape Town, plus those in Worcester, Paarl, Somerset West and Stellenbosch ... The continued hammering being given to the Rule of Law, to the people of this country, and to the courts themselves - as reflected in these reports year after year - must continue to be exposed and resisted ... we have a society where what matters is not the law but 'sheer, unbridled power' (Mr Justice Didcott at the University of the Witwatersrand, October 1988). There is hope when judges express themselves in this way, and many of them do. It is to be hoped that they will check the anti-legal culture of the state, which so many have come to accept as the norm.

■ **From the Albany Region Court Researcher's Report:**

A domestic worker from Port Alfred, Joyce Mbevu, claimed R14 000 from the Minister of Law and Order and Sergeant Kim Botha, formerly of the Port Alfred police, after she was assaulted by Sgt Botha ... The court awarded her R5 500 in October 1988 after it accepted her version of events as correct. Joyce Mbevu told the court she was arrested by police in Port Alfred on 5 September and locked up. At about 11 p.m. that night, she was taken by Sgt Botha to a garage near the charge office. While being questioned, she was suspended from the roofbeam for 'what seemed like half an hour'. Sgt Botha then drove her out of Port Alfred. He stopped his vehicle and told her to take her clothes off. When she was naked, he told her to go and urinate in front of the vehicle which had its lights on. Rubbing his private parts, he watched her urinate and then told her to get back into the vehicle and put on her clothes. Joyce Mbevu, a gentle and composed woman, was found by the court to be an 'impressive' witness. □

conference resolutions

Resolution on SASH Magazine

The National Executive proposes that the publication of SASH magazine be reduced from four issues to three issues a year, to enable the Magazine Committee to limit cost increases, to render the workload manageable and to schedule a break over the December holidays.

Resolution on Natal Conflict

This conference recognises that the violent conflict in Natal/KwaZulu constitutes a national crisis, the resolution of which is crucial to South Africa.

It therefore resolves to work with other organisations on a national campaign to collect and disseminate information to our constituency, the public of South Africa and the international community, to facilitate the ending of conflict.



Wendy Leeb, of the Centre for Adult Education (University of Natal), presenting the keynote address 'Daily Life, Daily Death in Pietermaritzburg' to Conference

Resolution on Foreign Funding Bill

The Black Sash

- 1 condemns the Foreign Funding Bill as interference in affairs of democratic organisations by the state;
- 2 recognises it as more subtle than the now-withdrawn Orderly Internal Politics Bill, but having the same objective;
- 3 supports the stand of other organisations that have resolved to disregard it;
- 4 commits itself to the same stand on the basis that the Bill is a tool that will be used by the state to gather information to which it is not entitled, seize confidential documents and paralyse organisations and individuals opposed to apartheid;
- 5 notes that the state is using an ostensible concern with accounting to further its aims of destroying opposition;
- 6 draws attention to the fact that legislation already exists to ensure correct accounting procedures within organisations and the disclosure to the Reserve Bank of foreign funding;
- 7 therefore commits itself to involving international governments and funding partners in opposing the Bill.

Resolution on Employment and Employee Status

We resolve that:

- 1 the Black Sash will create formal structures for negotiations of conditions of employment between employer (the Black Sash) and employees, and
- 2 paid employees of the Black Sash will be permitted to hold executive office both nationally and regionally if properly and democratically elected to such office, with the understanding that conditions of employment are no longer decided upon (although they may be discussed) at executive level, but through channels created in 1 above; and providing that paid employees do not constitute more than 50% of national/regional executive committees. □

The closed session at the 1989 National Conference

As a national body the Black Sash has few opportunities for broadly-based policy discussions. The gathering together of delegates from across the country for the 1989 conference made it possible for us to use the resources of members present to examine the changing nature of South African society, to reflect critically upon our work in this context and to strategise accordingly. Six hours were set aside for this purpose in sessions open only to members.

We invited Michael Morris of the Centre for Social and Developmental Studies (University of Natal) to situate our discussions by providing an analysis of the shift in state policy away from Verwoerdian apartheid into a new period of 'reform'. He urged a recognition of the nature and importance of reform processes and argued that an understanding of underlying forces in society was the basis of developing appropriate practical strategies. He encouraged the Black Sash to recognise the validity of ongoing protest and suggested that the role of the Black Sash is to push to the extreme for the building of a nation that is inclusive of **all** people in order to counter the strong trend of incorporating only a proportion of our population into a new society (and providing for them) and abandoning the remainder to fend for themselves.

Perspectives internal to the Black Sash were given in the form of three lead-in presentations. Mary Burton outlined the kind of changed society she believed that the Black Sash was working toward. She urged special consideration of our being a women's organisation working for a non-sexist, non-racist, non-violent society which is free, enabling, democratic and redistributive and where the rule of law and a bill of rights exist. Working for change, she felt, should take the form of breaking down the old order and, most importantly, of rebuilding a new order.

Two papers were presented on the implications of Black Sash involvement in two very different areas of work. Karin Chubb reflected on the Black Sash's involvement in the Federation of South African Women (FEDSAW) in the Western Cape, and the Transvaal Rural Action Committee (TRAC) presented an

examination and evaluation of five years of their work. TRAC, whose work is focused on giving assistance to communities fighting forced removal, called for an assessment of the Black Sash's fundamental aims and objects in order to address issues of priorities: for instance, which takes precedence, the work of strengthening democratic processes or the assistance given in resisting forced removals and evictions?

The real work of the closed session began when three working groups attempted to get to grips with three issues that confront the Black Sash. These were amongst those identified by Mary Burton, who is often asked to explain the Sash's positions on various issues. The topics for discussion were:

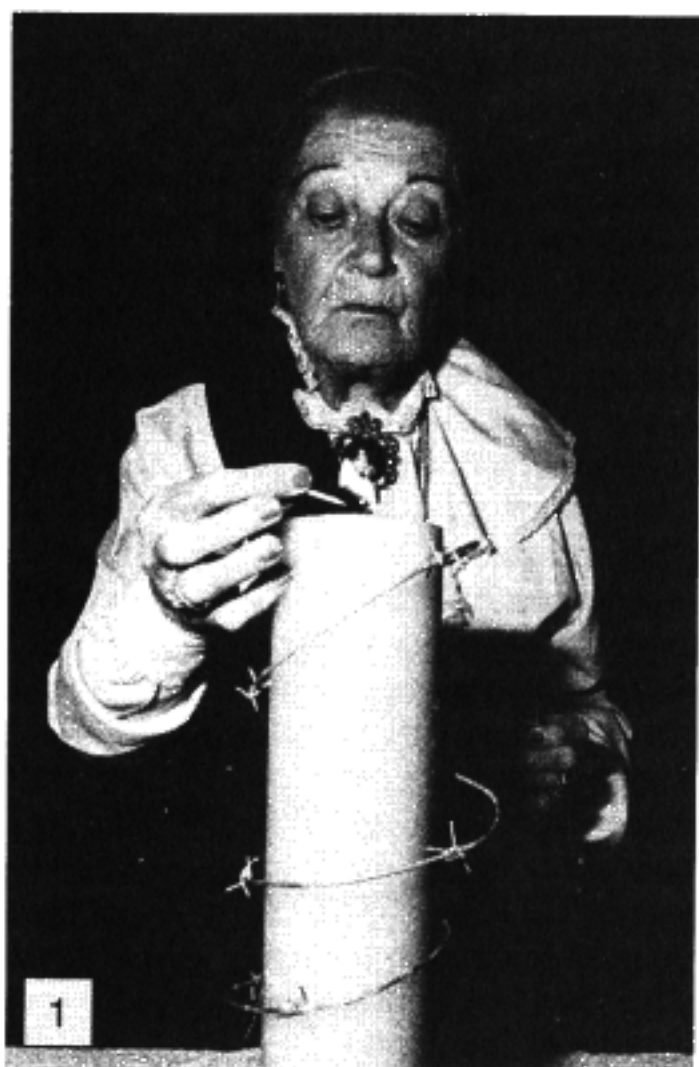
1. the Black Sash's relationship to existing state groupings and structures;
2. the Black Sash's relationship to other extra-parliamentary groups; and
3. the Black Sash's stand on international pressure such as sanctions and boycotts, foreign funding and resources.

The outcomes of these discussions were decisive in some areas and tentative and exploratory in others. While much analysis remains to be done, the results of these discussion groups (while not binding as policy) did reflect a more broadly canvassed Black Sash opinion. It is hoped that these discussions will be carried forward in the regions, and that they have been a helpful baseline for future analysis and strategising in the Black Sash.

We concluded the session by planning for 1989 around four main themes: Black Sash protest work, empowerment and welfare, creating a human rights culture and regaining the initiative: new initiatives for a new society. These were four complex issues, which each deserve in-depth discussion. The one hour available for this was insufficient and it is again hoped that these issues have been put firmly onto the agenda for discussion in the regions during the year. In this new period of reform we are challenged to make appropriate shifts in defining policies and actions, if we are not to slip into easy but empty rhetoric. □

Jenny de Tolly

conference collage



Gill de Villeg / Afrapix





Dina Cormick, Merry Dewar and Gill de Vlieg used the camera's eye to give a participant's perspective on National Conference 1989.

Opposite page

- 1 Zilla Harries Baird lights a candle at the opening meeting in Durban City Hall in remembrance of those who died in detention.
- 2 Gill de Vlieg (Transvaal)
- 3 Zilla Harries Baird (Natal Coastal) and Barbara Orpen (Albany)
- 4 Sue Philcox (Cape Western)
- 5 Mary Burton in small group discussion during the closed session.



This page

- 6 Chairpersons from different regions: Left to right, standing back row; Joan Kerchoff (Natal Midlands), Carole Evans (Southern Cape Branch), Susie Power (Border), Marjorie Jobson (Pretoria Branch), Laura Pollecot (Transvaal), Rosemary Van Wyk Smith (Albany).



- Sitting middle row; Beva Runciman (Cape Western), Lou-Ann Parsons (Cape Eastern), Kerry Harris (Pretoria Branch).
 Sitting front row; Audrey Colman (Transvaal), Judith Hawarden (Transvaal), Wendy Annecke (Natal Coastal), Isobel Douglas Jones (Cape Eastern).
 Sitting in front; Ethel Walt (Transvaal).



- 7 Carla Sutherland (Cape Western)
- 8 Fieldworkers: left to right; Phumlani Bukashe (Southern Cape), Larry Field (Border), Annemarie Hendrikz (Cape Western), Judy Chalmers (Cape Eastern)



- 9 Joanne Yawitch (Transvaal)
- 10 Natal Coastal Conference workers: Left to right, back row; Olga Potgieter, Sarah Burns, Patty Geerds.
 Front row; Chris Carlyle, Ruth Sang, Eleanor Matthews.
- 11 Muriel Crewe (Cape Western)
- 12 Left to right; Glynn Potts and Isobel Douglas Jones (Cape Eastern), Marjorie Jobson (Pretoria Branch), Lou-Ann Parsons (Cape Eastern).
- 13 Bronwyn Brady (Albany)
- 14 Anne Burroughs (Transvaal), Deborah Stott (Southern Cape).
- 15 Dan Pretorius (Transvaal).

REVIEWS

My Drum: Southern African poetry for young people

Compiled by Barbara Meyerowitz, Jenette Copans and Tessa Welsh (Abacadarius Books, Sandton, 1988)



Ask a child about his/her attitude towards poetry or a poetry book and wait for the negative feedback. Somehow it seems that once children have got past the joy of early nursery rhymes and pre-school ditties, they become alienated from anything resembling verse. Perhaps this has much to do with the routine manner in which very boring poems are still being drilled into primary kids. And no doubt many of us have our own memories of dreary poetry readers filled with page after page of uninspiring and unillustrated verse.

Come the day that collections such as *My Drum* find their way on to school requisition lists.

For this is a stimulating, colourful, amusing and varied compilation of poems all arising out of a southern African context and written by a wide range of contributors. There are the internationally accepted South African poets (Clouts, Celliers, van Wyk Louw, Mtshali, Serote, Breytenbach, Small), interspersed with young poets in the making. Locally known poets (Cape Western Black Sash members will recognise Gus Ferguson's inimitable style) are featured along with a number of excerpts from anonymous Zulu, Venda and Sotho epic poems.

The poetry stresses and is in itself indicative of the cultural richness of southern Africa which has been neglected for so long. The cultural hegemony of Western Europe has so successfully dominated South Africa that white children may be forgiven in thinking that blacks have no art forms of their own. It is also pleasing

that the compilers have included several poems in Afrikaans ('Dis Al' by Celliers is a very powerful piece). The mix is varied further by the juxtaposition of contemporary verse ('Galiema' from Kramer/Petersen's *District Six*), with traditional *izibonga* (praise songs).

Norman Catherine's striking cover design, entitled 'Piece Peace Parade', is an immediate invitation to open the book and explore further. Inside the pages there is none of the stuffy layout of traditional poetry books. Each page is illustrated by black and white line drawings, many by young artists. There are refrains (musical bars included), proverbs and suggestions as to how to write one's own poetry. The centre pages consist of 'An Azanian Abecedarius' by Tessa Welsh which is based on the nineteenth century Shaker abecedarius, a poem designed to teach children the alphabet. In this version the names of South African animals and birds are used; all of them awaiting, like us, the return of the Amasi Bird, which in Sotho legend brings peace and plenty to the land.

As this book has much to offer, from short limericks and haikus to longer more complex poems, it will appeal to a wide range of young people, but perhaps most to those aged 9 to 12. However, it is to be hoped that all our children wherever they may be, will somehow, some time be introduced to the vibrant dynamics of southern Africa's culture which belongs to all its people. □

Jo MacRobert

Trapped in Apartheid: A social-theological history of the English-speaking churches

Charles Villa-Vicencio (Orbis, New York, and David Philip, Cape Town, 1988)

With a foreword by Bishop Trevor Huddleston, this book is bound to be controversial. It contrasts verbal condemnation of and conformity to apartheid by four churches (Anglican, Congregational, Methodist and Presbyterian) which are termed English-speaking because of their historical and ongoing relationship with British church life. But up to four-fifths of their members do *not* use English either at home or in church worship.

Why the contrast and how can it be remedied? Villa-Vicencio explores the social history of these churches, then reflects sociologically and theologically on his findings. Initially, the author looks at their ideological heritage, particularly the 'via media' of Anglicanism, their divisions and affinities, and their involvement in major periods of South African history. In the process we learn something about imperialists and missionaries, gold,

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politics and the churches, protest without resistance (Bantu Education Act onwards), moderation and restraint — the 'Constantinian captivity' of the church — leading into the contemporary period of controversy.

Where in the Dutch Reformed churches the focus of controversy has been 'apartheid as heresy', since 1985, the English-speaking churches have been challenged on the issue of government legitimacy. The Call to Prayer for an End to Unjust Rule of 16 June 1985 and the September 1985 'Kairos Document' crystallised this challenge. (The latter provoked much debate about violence: the real issue was/is its identification of the government as tyrannical and illegitimate, which in church tradition means that active resistance is not only permissible but necessary.)

The Lusaka 1987 statement of the World Council of Churches Consultation and recent resort to civil disobedience by church leaders have sharpened the legitimacy issue. But official policy and practice of the churches tacitly continue to legitimate the government of the day.

The author asks whether these churches can be moved 'beyond a position of critical neutrality in the conflict between oppressors and oppressed' and 'take a stand diametrically opposed to the popular white myth, enshrined in the constitution, which teaches that South Africa is a country living "in humble submission to Almighty God"?'

In answer Villa-Vicencio looks at the nature of religion as domination and rebellion, using Marxist and Weberian insights. His discussion of Marx sheds light on liberation theology, and with Weber he clarifies the 'church of the poor' school of thought and action. In his final chapter Villa-Vicencio follows Weber in arguing that renewal of the church is to be sought on 'the edges of the dominant ecclesial and social structures'.

It is to be sought in an alternative expression of church life that is 'without institutional form', being a movement of resistance to oppression, stemming from what has elsewhere been termed a spirituality of

combat, a spirituality which rejects separation of religious and secular, religion and politics, and draws its strength from God's self-chosen identification with those who suffer and struggle for justice.

Villa-Vicencio explores the issues and practical realities involved for the institutional church when confronted with poor or non-poor communities, particularly in terms of worship and congregational identification. In postscript the author refers to the reluctant permission the dominant church has given, largely under pressure of circumstances, to a leadership that is articulating and acting out what it means to be church of the poor, and beginning to 'incorporate the churches into the liberation struggle of the oppressed'. And he concludes on a note of warning: 'Such action will not go unchallenged by the forces of oppression, and this constitutes the battle for the soul of the church.'

As one perennially on the edge of the dominant church I respond very positively to Villa-Vicencio's book, but am still left with a question about the collaborative church of the underclass. Think, for example, of a 'homeland' town. Its population, from which a church congregation is drawn, is quite stratified. There are business and professional people, small landholders, civil servants, artisans, labourers, migrant and commuter workers, pensioners, and the destitute.

The average clergyman in an 'English-speaking church' has been reinforced into a middle-class mentality and life style. For lay-leadership in his congregational activities he (seldom she!) typically relies on people who are more rather than less educated - who have administrative skills, time and transport, and can contribute financially to the needs of the church.

By income and socio-economic status most of the congregation will belong to 'the poor and the oppressed'. But even in that situation their church is not likely to be engaged in active struggle for justice, for its dominant element comprises the minority who are relatively or actually non-poor.

Which suggests to me that just as Villa-Vicencio has built on the work of Jim Cochrane (*Servants of Power: The role of English-speaking churches 1903 - 1930*), someone needs to build on Villa-Vicencio in teasing out why and how the poor internalise their own oppression (as Wolfram Kistner has noted) and become co-optable in the dominant society/dominant church. In the current WHAM (Winning Hearts and Minds) stage of security management this could be a matter of some urgency. □

Margaret Nash

BLACK SASH PUBLICATIONS

Inside South Africa's Death Factory

(A Black Sash Research Project, February 1989)

Not long ago we received a visitor in our home on the understanding that he was under severe stress. In the dark of the first night he spent with us, I was wakened by a wall-shaking crash. His light came on, there was silence for a while, and then the light went out. Nothing serious had happened, it seemed, but it was

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mysterious since there was nothing I could think of to produce an effect like that. The explanation was simple, as we found out: our guest himself had crashed against the wall when he sprang awake in a fit of terror caused by recent events - the execution by hanging of a dearly loved brother.

What this publication underscores is that there can be no acceptance of the horror of executions, like this one and the many others. The report alludes to another fact which caused deep distress to our guest and his family: that the bodies of those hanged are the property of the state, thus families are kept from burying their dead and even from the certitude they want regarding identification of the mortal remains.

Readers of this book will wonder what more must be said or done, if its contents become widely known, to bring about a broad-based public demand for a re-examination of the question of capital punishment in South Africa. Will the public continue to believe that justice requires judicial killing when it is known that, 'In 1987 164 people were executed on Pretoria's gallows, 32 ... more than China', with a population of over a billion.

Will the public rest happy with the present system after being told that, where the death sentence is mandatory unless extenuating circumstances can be found, the weight given to factors such as 'moral blameworthiness' depends on 'which judge hears the case'? As former Supreme Court Judge R.N. Leon has said: 'I know from my own experience that some judges find extenuating circumstances more easily than others ... Should a man's life depend upon the chance of the judge before whom he appears?'

A telling lesson from this book concerns the nature of structural obstacles to a fair trial (see esp. Part II: 3. The legal road to death row). Few of the accused can afford legal fees and many rely on pro deo lawyers who are inadequately briefed: they may meet the accused for the first time at the Supreme Court on the first day of the trial and

spend very little total time hearing what the accused has to say. Under such conditions, cases where the death sentence was applied have been wrapped up in a single day.

Further procedural obstacles derive from the racial composition of society. Where the legal system is 'white' and the accused overwhelmingly 'black', the issues range from the impossibility of fairness to the practical language difficulties between the judges and the judged. No longer are court interpreters seen simply as neutral facilitators of verbal exchange. The case of Thembile Lubelwana is cited to show how matters of life and death may depend upon the meaning given to a single word.

Those working for the abolition of the death penalty recognise that amelioration must be sought until that goal can be achieved. Suggested interim improvements include: the automatic right of appeal against the death sentence (in more than half the cases investigated, this right had been refused); the publication of the names of those upon whom notification of the date of execution has been served, so that applications for last-minute stays of execution can be made (at present this information is withheld and can only be found out by consulting people on death row).

When all is said and done, one must ask if the public will be unmoved by the medical description of hangings (Pt III: 2. You will hang by the neck until you are dead) and by the duties which are imposed on prison personnel: those who measure the condemned for 'thickness of neck, height and weight ... essential when calculating the length of drop necessary to kill'; those who conduct them to the gallows from the cells; those who take fingerprints 'to ensure the correct person is hanged'; doctors who check 'the dangling body' as many times as is required in order to state that the person is dead; chaplains who try to console, first those to be hanged and then the families of the dead.

The title of this publication comes from a statement by the national director of Lawyers for Human Rights:

'Death row is like a factory. I find the whole place has been brutalised, dehumanised. It's a factory which produces corpses. You know, you go in live and come out dead. To produce that product a system is developed. The whole place is serviced. They provide food. They make gardens. They give notice of execution. They hang. And they bury.'

Candy Malherbe

Inside South Africa's Death Factory is available from Black Sash offices.

Nearly an A - Z Guide to Homelessness on the Witwatersrand

Compiled by Transvaal Region's Urban Removals and Homelessness Group and the Community Research and Information Network (Johannesburg, February 1989)

The passing of amendments to the Prevention of Illegal Squatting Act this year once again focused attention on the predicament of urban squatters. Unable to find houses (conservative estimates put the figure for the shortage of houses at well in excess of 500,000 units) - these people erect their own structures wherever they find land, preferably near work. But, in terms of the Illegal Squatting Act most of these structures are illegal and the position of squatters is therefore extremely insecure.

Nearly an A - Z Guide to Homelessness on the Witwatersrand focuses on who constitute the homeless, where they live and why they are there. This publication, brought

out by the Urban Removals and Homelessness Group of the Transvaal Black Sash and the Community Research and Information Network, is divided into five sections. The first provides a framework for the case studies which follow.

The authors point out that despite the rhetoric of the orderly urbanisation policy the poor and homeless have had virtually no legal access to land and shelter. 'It must be emphasised too that the majority are not newcomers to the region. They are victims of years of neglect on the part of the authorities since the 1950s when all housing development in the region was frozen and indeed of the apartheid laws that still exist.'

Privatisation of housing, 'negotiated resettlement' and the emphasis on the creation of 'viable' urban communities are highlighted as reasons for the exclusion of the poor from housing. Unfortunately it is not clear precisely what is meant by either 'negotiated resettlement' or 'viable communities'. This is partly because the authors shift too quickly between describing government policy and criticising it without fully explaining either.

The case studies examine in more detail what is happening to the north, south, east and west of Johannesburg. The sections vary in style and contain interesting factual information on the number of homeless, their financial position and on possibilities for the future. In each region the authors show that current attempts at solving the housing crisis are hopelessly inadequate and that forced removals seem imminent.

The need for this type of research and publication is undoubtedly great. Information on housing is scarce, often inconsistent and contradictory, and attempts at drawing material together in an accessible way are valuable. Unfortunately, the *A - Z Guide* is not as clear as it could be. If style and language were easier to understand then this would be a much more valuable publication. □

Debbie Newton (Research and resource person with the National Committee Against Removals)

LETTERS

'Free Education' is more than stationery and books

Betty Davenport (Grahamstown) writes:

We refer to Taffy Shearing's letter 'Challenging school info on free books and stationery' (SASH, vol. 31, no. 4, March 1989, p. 43). We have consulted several teachers in schools for 'coloured' children and though we agree that it is possible to requisition for books and stationery, there are very few schools where these supplies are adequate.

A teacher who has had extensive experience in Port Elizabeth and surrounding farm schools reports: 'Coloured pupils receive free books and a limited amount of stationery but they have to provide their own stationery if they take specific subjects (e.g. mapping books, projects).'

'Most rural schools have two or three classrooms, a small dingy office for the principal and seldom any room for the staff. Two standards are taught in one classroom by one teacher and there are usually too few desks. Because many of these pupils come and go, the textbooks are taken and not returned. Pupil numbers vary so much that it is difficult to plan ahead.'

'This is a problem in urban schools too. Because there is such an influx of people to the towns there is seldom enough stationery and the textbooks are too few by about ten per cent. Sometimes it is necessary to share desks at all times because of the shortage of textbooks. Some schools receive only 30 books to be used in *seven classes*; so a whole reshuffling of timetables and homework schedules has to be done so as to accommodate the problem, and very often these precious books are not allowed to be taken home because they may be lost. One forgets too that homes usually have no electricity so reading at night is impossible. One can thus see that the 'free education' concept is not as real as it seems. The many socio-economic-political problems which hamper education, prevent it from being free.' □

Time to abolish Associate Membership?

Christopher Merrett, Associate Member (Pietermaritzburg), writes:

Last year Margot Beard raised the issue of male, associate membership of the Black Sash, calling it a 'rather idiotic compromise'. Until recently I would have disagreed strongly with her, arguing that the Black Sash as presently constituted is well placed to fight the dual oppression of race and gender. There are good reasons for believing that if men were accorded full membership the organisation would become less effective.

However, I was extremely disconcerted to find at this year's (national) conference that closed sessions were open only to full members. An organisation might restrict the right to vote, and even speak - but *listen*? Perhaps it is time to abolish associate membership. □

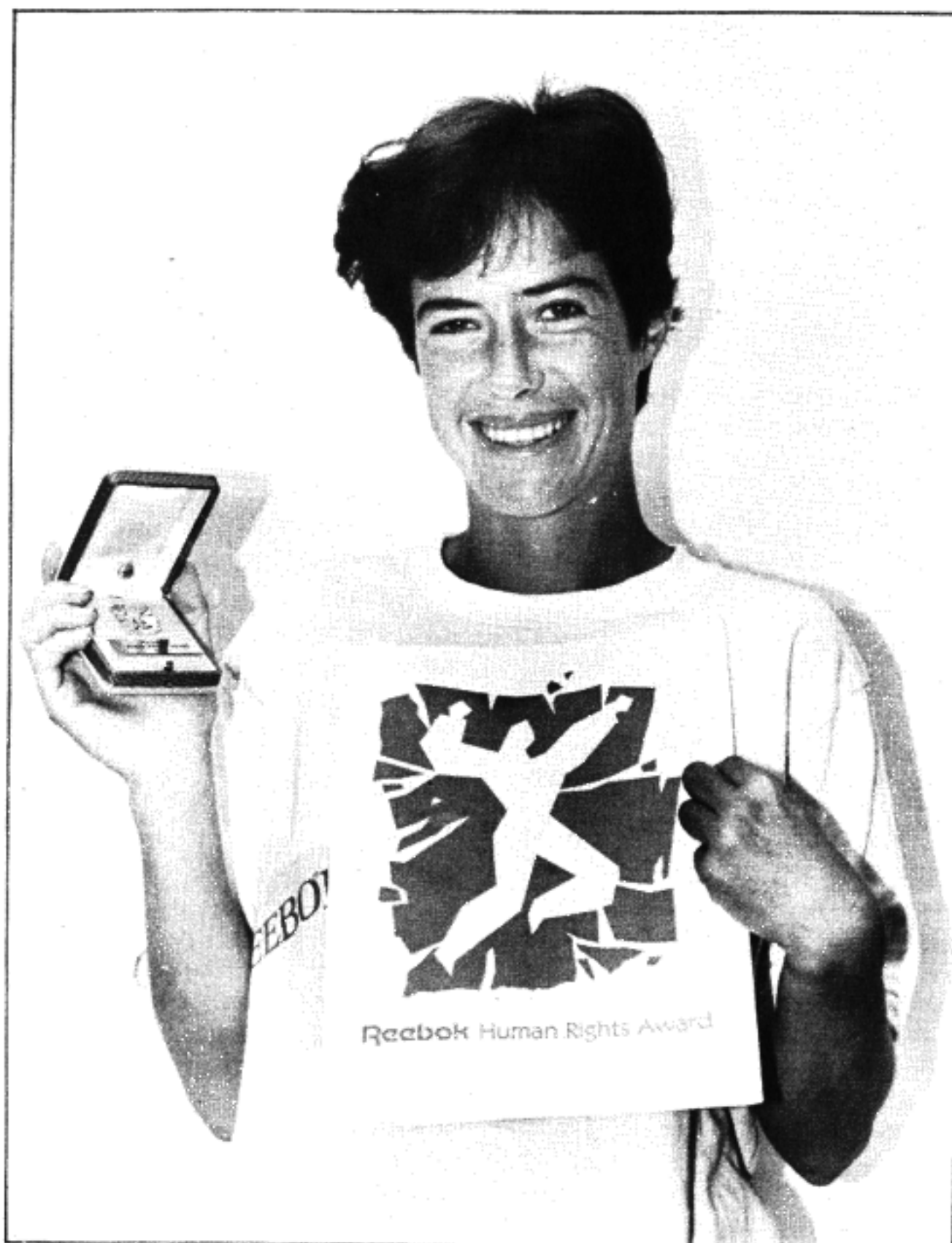
Rural doctors

David Green, (Mafikeng) writes:

I read with interest the letter "About getting doctors to rural areas" (SASH, vol. 31, no. 4, March 1989). Several areas designated as 'independent homelands' have had people dumped in them and are cut off from access to our country's wealth. This tends to increase poverty and heighten health needs. One example is Dearham, a resettlement area in Bophuthatswana, where 71% of children under five show clinical signs of malnutrition.

I agree with the writer that much needs to be done to encourage people, professional and otherwise, to render service in such communities. Ideally those who have benefitted from tertiary education should have to repay a debt to society by performing service in these areas. Without putting too fine a point on it, I would like to point out that I have been deferred from military service for the duration of 1989 since I am 'residing outside the border of the RSA'. I am required to annually notify the SADF of my 'foreign' address, indicating that such deferment could become an annual event. □

NEWS-STRIP



Janet Cherry with her Reebok Human Rights Award for Young Activists, brought back from New York by her mother, Helen Cherry

Mother collects daughter's award

It was my privilege to travel to New York in December to accept the Reebok Human Rights Award for Young Activists on behalf of my daughter Janet who has been restricted to the magisterial district of Port Elizabeth since November. The award was given by the Reebok Foundation and eleven awardees were chosen out of which there were four finalists, of which Janet was one. The four received \$20 000 to be given to an institute of their choice and a personal award of \$2 000. The other awardees also received a personal honorarium.

Janet elected to give her award to the Black Sash and I told the assembled company of 300 at the award-giving breakfast very briefly about the Sash and its history. I was also very pleased that Mary Burton, who was in New York at the time attending a Human Rights Conference, could be there at the breakfast. Kobus Pienaar, Janet's lawyer, was also present and he told the gathering about South Africa.

My greatest thrill was meeting the other young awardees from different countries including Chile, El Salvador, Tibet, Alaska and Cambodia. From the U.S. there was an American Indian fighting for indigenous rights and a 24-year old black woman lawyer fighting against capital punishment. The other South Africans besides Janet were Salim Karim from Durban who started NAMDA (National Medical and Dental Association), and David Bruce's father who, like myself, was representing a child.

I was only sorry that Janet could not share this exciting experience of the five days in New York.

Helen Cherry □

Harassment menu changes in Somerset West

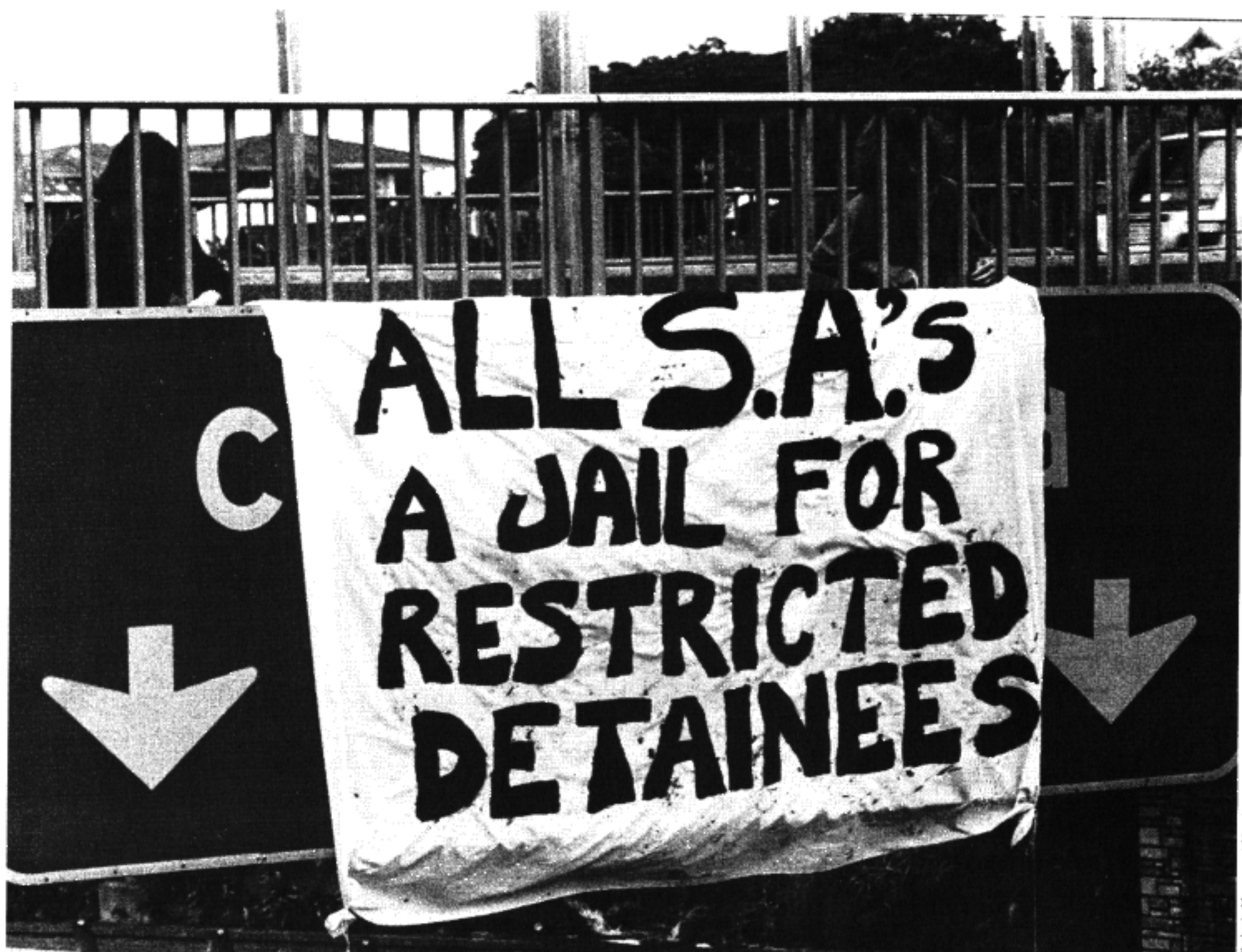
The stands mounted by the Somerset West branch of the Black Sash are becoming anything but predictable. It was almost 8 a.m. on 10 March when Lin Helme was confronted and assaulted by a big burly man (of the stockinged variety). This masked assailant eventually (Lin did well to

hold on to the board for as long as she did!) made off with our board calling for the release of all detainees (did they notice?). There was a car waiting with two friends ensconced to ensure a speedy getaway.

Apart from a snide smile so far the only reaction from the SAP has been that they cannot trace the car. The number plates must have been false! CJ 23358 - if anyone should see it please let us know.

Kathy Ricketts □

NEWS-STRIP



Phakade Magwaza / Afrapix

Detained in Pretoria

On 4 November 1988 two members of the Pretoria branch of the Transvaal Region of the Black Sash and six others (members of the Progressive Federal Party and the Students for a Democratic Society at Pretoria University, plus a journalist) were detained in terms of section 3(1) of the Emergency regulations. The arrests took place at the end of a poster demonstration to protest the suspension of the *Weekly Mail*.

Every effort had been made in advance to ensure that the stand was legal. On the same day, in fact, similar protests were carried out in Johannesburg and Pietermaritzburg without police intervention. For the Pretoria protesters, arrest meant four

days in detention, without access to families or lawyers, and three appearances in court without charges being laid.

In her report to conference, Kerry Harris recounted what happened to the six women (she could not speak for the two black men who were separated from them). She also pointed out the lessons learned from their experience:

- the importance of knowing one's rights in terms of the law and the Emergency regulations;
- the inestimable value of support systems for those detained;
- the necessity to ensure effective monitoring of protest actions by a back-up team;
- the fact that the advice and backing of committed lawyers is essential at every stage. □

This Black Sash banner caught the eye of morning rush-hour motorists in Durban on March 15.

New Transvaal Region office-holders

At its Annual General Meeting Transvaal Region elected Judith Hawarden as chairperson and Glenda Glover, Laura Pollecutt and Ethel Walt as vice-chairpersons. □

NEWS-STRIP

Di Bishop

After serving as National Vice-president of the Black Sash for three years, Di Bishop informed National Conference that she was unable to stand for re-election. The growing commitments and involvements that make her unavailable for office this year have always lain behind the enormous contribution she has made to the Black Sash. Her extensive contacts in the black community and her wide range of experience in other political forums made her a resource person whose wisdom and judgement have been of immense benefit to National Headquarters, regions and advice offices in the organisation. The work initiated by Di and Molly Blackburn in rural black communities alerted the Black Sash to



Gill de Vlieg / Afrapix

the real conditions in these areas, and ushered in a new period of activism amongst some members. Hope is held out that Di may return to office when current obligations have run their course. □

Photographs and films provide food for thought at the Market

1989 and the commemoration of the 40th anniversary of the Universal Declaration of Human Rights will certainly be remembered for its focus on Human Rights issues. The Human Rights Photographic Exhibition organised by the Black Sash Transvaal Region drew attention to the extent of the elimination of human rights in South Africa and the effects of this in every facet of people's lives.

With well-known Black Sash member and human rights campaigner, Gill de Vlieg, co-ordinating it and working closely with Afrapix on the selection, the collection was bound to be a moving and relevant one. The final product was an exhibition of some 50 photographs by prominent South African photographers which needed only the text of the relevant article of the Declaration to tell a stark story.

The exhibition, held at the Market

Theatre Gallery, was opened by Dr Max Coleman as a member of the Human Rights Commission and ran from 27 November to 8 January. During this period regular theatre-goers as well as organised groups were exposed to the photographs. These audiences, who do not always have the opportunity to see this material, were, judging by the responses registered in the visitor's book, both shocked and moved.

This vibrant exhibition has already been displayed elsewhere and further requests to display it have come from a number of other groups as well as other Black Sash regions.

The exhibition was complemented by the Black Sash Capital Punishment Film Festival. Organised in conjunction with the Weekly Mail Film Festival team, the week offered a variety of films each focusing on a different capital punishment issue. The week culminated on Human Rights Day with cultural activities in front of the Market Theatre. The audience, made up of the regular flea market patrons, were highly appreciative.

Laura Pollecutt □

Grahamstown gets organised on capital punishment

Grahamstown now has its own chapter of the Society for the Abolition of the Death Penalty in South Africa (SADPSA).

The launch of the Grahamstown branch took place on 16 March at a lively public meeting attended by about 300 Grahamstown residents, legal practitioners, academics and even prison officials.

Speakers, who included the Honourable Mr G. Kotze, retired Judge of Appeal, an ex-death-row prisoner, Mr M. Yelani, and a panel of theologians, all added their voice to the call for an end to capital punishment.

'The judicial taking of human life is unacceptable and repugnant to modern thinking,' said Judge Kotze. He added that despite 21 years on the Bench, he was not at all convinced that capital punishment acted as a deterrent.

One of the aims of the Grahamstown branch of SADPSA, in which some Black Sash members are involved, is to monitor all death sentences which are passed in the Eastern Cape.

It was noted at the launch that in two months since the beginning of the year, ten death sentences had already been passed in the region.

Barbara Orpen □

Service award

We salute our member, Jenny Naser, who shared with one other the Rotary Club of Pretoria's annual Vocational Service Award. Jenny, who teaches history and current events, nevertheless found time to initiate a literacy project for domestic workers in the area where she lives. Five black teachers were trained at the Education Centre in Mamelodi. Since then, 3 000 adults have enrolled in the literacy and dressmaking courses which these teachers run. □

NEWS-STRIP



Lesley Frescura, former chairperson of the Port Elizabeth advice office examining the damage done to the advice office shortly after the arson attack.

Arson attack on Port Elizabeth Advice Office

In the early hours of Friday, 21 October last year, the Port Elizabeth Advice Office, run by the Black Sash, was set alight and much of its equipment and records were destroyed.

The office was situated in a house in North End - ideal in that it was spacious, convenient for clients and close to various government offices, lawyers and other resources.

The attack was clearly a 'professional job'. A petrol/paraffin mix had been funnelled through a window, set alight and the result was an inferno. The fire had burnt out the fieldworker and administrators' office, and the roof above. The filing cabinets in the main interviewing office were saved - although they were damaged by smoke and water.

To date (March 1989), the CID

investigating the case have not reported any progress in bringing the perpetrators to justice, as they did in 1984, when a similar attack on the office took place.

After the fire the Advice Office received wonderful support from various organisations and the churches, closing for only one week in order to clean the files, and look for new premises and equipment. The office is now housed in Korsten in the Cooperative Centre, a building owned by the National Union of Metalworkers of South Africa and also occupied by COSATU and many smaller unions. Considerations about security led to a debate on the wisdom of such a move but the final decision was unanimous.

The new office is rather cramped but apart from the space problem it is an ideal venue because of the proximity to the townships, the South African Council of Churches (SACC), the unions and other support organisations. Closer contact

with the unions is helping us to acquire and improve on our knowledge of labour issues.

Judy Chalmers □

Cindy Deutschmann appointed to IDASA staff

Cindy, an active member of the Border branch of the Black Sash and its past representative on the Sash Magazine committee, has been appointed Regional Co-ordinator of the Border branch of IDASA. We realise that she has a busy time ahead of her and hope that she will continue to give some of her precious time to Black Sash work as she has done in the past. □

NEWS-STRIP

Millicent Toms, mother of conscientious objector Ivan Toms, now out on appeal after serving nine months in jail, sliced a massive chocolate cake iced with 'Give Them A Choice' at the Durban press conference. ↓

Durban launch for Women Against War

Black Sash was well-represented at the Durban launch of Women Against War, part of the nation-wide call by close to 1 000 women for alternatives to conscription.

Speakers included Noreen Ramsden, who told of her son, soon to be a father, who has applied to be a religious objector. 'That baby, my grandchild, will be six years old before my son can support him or her,' she protested.

A Maritzburg couple, with five young sons and a daughter, spoke of returning from America to be 'part of the solution'. But 'if the parents do not leave they face the prospect of their sons leaving them for a peaceful future in another land,' noted Rob and Penny Haswell.



Varsity student Sue MacLennan - whose mother is an Eastern Cape Sash member - described the pain of having two big brothers in exile and the joy that 'they are not involved in the violent defence of a violent regime'.

The press conference preceded a weekend 'Prayer for Peace' service addressed by Methodist Minister Ms Lindsay Hayward and Virginia Gcabashe, president of the Young Women's Christian Association (YWCA).

'We as mothers must say no to our children on both sides of the colour line being sacrificed at the altar of apartheid. The time comes when we say enough! no more!' said Virginia.

'Women are fed up about the way the government has decided to use the lives of our young people.'

Christina Scott □

Pension and bribery disputes in East London

The investigations into allegations of bribery at pension pay-outs in and around East London continue. Affidavits and statements from pensioners were sent via Home Affairs to the fraud squad, but the senior prosecutor has refused to prosecute the official concerned, because of a 'lack of evidence'. The case has now been referred to the Attorney-General via the Legal Resources Centre (LRC) for review.

A few days ago the pensioners

were faced with another setback. The pensioners, 1 500 in number, arrived to collect their pensions and were told to come back a month later. The Cape Provincial Administration (CPA), when challenged, said the mayor of Duncan Village, Mr Makeba, was asked by the CPA to consult the pensioners on this issue, who, Mr Makeba said, all agreed to wait an extra month. 134 pensioners interviewed by the Advice Office denied this. The CPA are saying that Mr Makeba did consult the pensioners and Mr Makeba is saying that he did not. The CPA have eventually agreed to an earlier payout.

Sharlene Crago □

Inside South Africa's Death Factory

Transvaal Region held a meeting at the University of the Witwatersrand to launch its book, *Inside South Africa's Death Factory*, which was researched and written under the auspices of the Transvaal's Human Rights sub-committee and its offspring, the anti-capital punishment group. The meeting was well attended and was addressed by Sheena Duncan and Brian Currin, national director of Lawyers for Human Rights. The book has been selling very well and has gone into a second printing. *Joyce Harris* □

NEWS-STRIP

Making art alive for Human Rights

The Natal Coastal region ran a national art exhibition and children's workshop with Lawyers for Human Rights to mark the 40th anniversary of the Universal Declaration of Human Rights.

On the morning of 10 December, kombis offloaded about 400 young people from all over greater Durban. More than 20 volunteers co-ordinated the drama, readings and songs which introduced the enthusiastic children to a creative attitude to human rights.

The group - including the street kids, who drew motor cars and muscle men as their idea of human rights! - jointly painted long, brightly-coloured paper banners depicting articles of the declaration, which were hung from the steel rafter of the exhibition hall.

Jazz bands played as the tired artists munched their lunches and inspected the crowded walls of the

adult exhibition, where works typifying human rights were displayed with posters about and the Amnesty International video of the declaration.

Hugh Corder, Professor of Public Law at the University of Cape Town, was keynote speaker at the opening,

where four artists received awards for best expressing the spirit of human rights.

A publication is planned to document the successful show, which was primarily funded by the Canadian Embassy.

Christina Scott □



Jeeva Rajgopal / Afrapix

The 1989 Black Sash national executive

At the recent national conference Mary Burton was elected to her fourth term of office as president; Rosemary van Wyk Smith, Jenny de Tolly and Sue Philcox were elected as the three vice-presidents.

*Sue
Philcox*

*Jenny
de
Tolly*

*Mary
Burton*

*Insert:
Rosemary
van Wyk
Smith*



The Black Sash Dedication

In pride and humbleness we declare our devotion to the land of South Africa; we dedicate ourselves to the service of our country. We pledge ourselves to uphold the ideals of mutual trust and forbearance, of sanctity of word, of courage for the future, and of peace and justice for all persons and peoples. We pledge ourselves to resist any diminishment of these, confident that this duty is required of us, and that history and our children will defend us.

So help us, God, in whose strength we trust.

The dedication above was adopted in 1955 — the founding year of the organisation. It appeared in the first issue of this magazine in January 1956.