DIARY FROM REFUGE

AN ANONYMOUS CORRESPONDENT

FOR those on the run from the Nationalists, South Africa has no friendly borders. There are only those enclaves which by historical accident as much as anything fell under the protection of the British Crown and are today the High Commission Territories of Basutoland, Swaziland, and Bechuanaland. Few of us who crossed into the Protectorates during the first critical three weeks of the South African Emergency had any memory or taste for the early history of Moshesh, clamouring for British protection from Free State encroachment on his lands, of Swaziland as a trophy, reluctantly garnered, of the Boer War, of Bechuanaland as a British take-over to forestall the imperial German advance from Walvis Bay. Those who fled in the direction of Lobatsi, Maseru and Mbabane knew that no passports were needed to cross the borders, that on some of the red-brown flying-dust roads bumping into the Territories there are not even signposts showing where Verwoerd rule ends and Commonwealth Relations Office suzerainty begins, and that immigration formalities would be slack or non-existent, certainly at the time of the first influx of "refugees".

This was no massed refugee movement such as poured across cinema screens during the frightening days of the fall of France; not even like the white efflux from the Congo when the Belgian bubble burst there a little while ago. But there were the elements of the chase, the precipitate departure at a time of sudden shock, the split second decision after the thud or peeling ring at the door bells of 1,900 odd homes, African, White, Indian and Coloured, as the raiding detectives shouldered their way into them in the small hours of the morning: "Public Safety Act—no warrants—not needed, Public Safety Act this time. No, no telephone calls." No questions answered. There is no point, after the first few, in asking any. Questions are simply not encouraged during Emergencies.

All the next day and for eight days after the Special Branch continued to haul in its catch, a ready-made silencer affixed to this lumbering police movement across the country. There is a ban on all, husbands, wives, sweethearts, children, from breathing aloud the names of those detained.

On How to Live in an Emergency. There are manuals on how to make friends and influence people, how to bring up children, how to do it yourself, how to make more money, to be a success . . . but nothing, yet, on how to live in an Emergency. This is the Alice in Wonderland world of sentence first, charge and verdict to follow. Arrests first, and the gazetting of the Emergency powers afterwards. There is the on-and-off-the-merry-go-round spectacle in court of lawyers filing *habeas corpus* papers for the release of detainees while the Crown assures the Court and the country that the Emergency is being proclaimed at that very moment, the regulations should arrive any minute, they are surely on their way. So on and on through the entire day and till after midnight, with one release application after another being trundled through only to be blocked by the Special Branch, which formally releases the bulk of the first detainees and then, as they move down the counter in a bolted and barred Marshall Square police headquarters, arrests them again—that orthodox laying of heavy hand on shoulder not omitted. At long last police action and State of Emergency are formally pronounced man and wife, after a ceremony long delayed while the bride caught up with the errant groom to drag him to the altar. The prisoners, briefly out of their cells, are back in again; and the Emergency is at long last recorded in cold black government printer's ink.

Some, very few, had not been home that night of the raids and these do not wait for a return visit from the same men in the tall hats. Where they can, they cross into the Protectorates: a half dozen to Bechuanaland; more to Basutoland; most, Africans and whites, to Swaziland.

Others, even fewer, were the subjects of the first *habeas corpus* applications and, released from custody, do not wait long. The journey begins. The seat of boldness is nowhere near the heart. Apprehension lies uneasily in the stomach and it is the quiver and gnawing there that turn the swift journey towards the mountains, the semi-desert, or the rolling hills of Swaziland from being the conventional long tripper's trek into South Africa's interior to a flight towards refuge. Even the most imperturbable feel that constriction in the stomach lessen as the journey draws to an end. The eager-beaver Sunday journalists, muted on other topics by Emergency conditions, ferret for the refugee-story and, on the whole, are disappointed. There is the trade unionist who crosses into Basutoland through the Caledon River, his boots and small roll of clothes on his head; but this sort of copy is hard to

come by. For most who leave the Union, the Emergency is too serious to angle for front page "human interest" stories.

Throwing off Emergency nerves takes time. Refuge brings a lifting of tension at first, then a surging back of anxieties, old and new found. Minor decisions create major conflicts. Homes have been left standing, office desks abandoned, commitments deserted, telephones ringing, meetings unattended, bills unpaid. The painful scars of this and any such emergency are the spouses and friends behind bars, broken families and bewildered children.

Later, weeks of refuge bring an obsessional preoccupation with the endless round of trivialities and chores. The daily programme allows for little variation: washing up, budgeting, pooling of food and rent to stretch resources. Guavas grow wild on the hillsides outside the town, best market days are Wednesdays and Saturdays. Milk is fetched from the chemist and newspapers from the outfitters. The never-ending search for accommodation; a fifth levered into a room crowded by four. New sleeping arrangements with an extra mattress here and a stretcher there, all set for the weekend when the door opens and three new arrivals walk confidently in. The hunt for jobs is given up early on by most, for residence permits mean no jobs. Some live on reserves for the most part, and a fund committee dispenses aid sent by Christian Action for the penniless. From roughing it at first with enamel mug, tin plate and sleeping bag, the refugees climb higher to the refinement of sending for the range of cooking pots from home. Some try to carry on businesses at long distance. There are garbled trunk calls, the fevered decisions for a changing business world three hundred miles away. Despite our status as refugees, white skins and income still remain the open sesame to comfort—a guilty thought while 1,900 detainee families are without breadwinners. The post is late today; no letters from the Johannesburg Fort for 11 days, and the hunger strike now in its sixth. The evening meal sticks in the gizzard. Refugee life is rootless, workless, even shiftless. But there are no interrogations, no cold beans on tin plates, no cement floors in grey cells. No barbed wire thicknesses through which to peer at relatives and then to bellow in a confused chorus of family news and good cheer. Not the claustrophobic curtailment of exercise-yard strides. The only contact with Authority is the controlled courtesy and easy calm of the government official, tradition-long removed from the bullying bluster of his Union counterpart.

Months spent here are a gash in time. Suspension in safety till life returns to normal. Will normality ever return? Isolation fattens rumour, and rumour feeds fear. For some comes the realization that at an age and time they did not choose, they need to build a new life in a strange country. But how travel away from South Africa without a passport? Papers, permits, birth certificates, yellow fever certificates, any papers, documentary proof of anything, as in a post-war transit camp, become certificates of status and intention. For most, however, plans are vague and amorphous, linked with the duration of the Emergency, and all the refugees really want is to go back home to South Africa to work again at the rounds that bring meaning into their lives.

The chit-chat ripples back from the bar counter and from that pub to the next. "You people should have stayed to take your medicine. Why didn't you face what was coming to you?" Ghosting the remonstrations is the debate on Bishop Reeves. Wrong to desert his flock. Right to leave in time, in safety, to complete urgent missions. Had he faced his challenge, or failed it? Had we? For the Bishop, say his detractors, it was meddling in politics to pass judgment on group areas, job reservation, and race classification. Reply his defenders: but these are Christian principles which reach from pulpit and pew to public place and personal conscience. Does one serve a cause better by being imprisoned or free? The public school attitude to the Bishop and to us is "play by the rules, face the music, you cad"—this presuming that it *is* all a game, that there are rules, and a white dustcoated umpire to guard their observance. But the rule of law is suspended in the Union and the niceties and conventions of evenly balanced teams and the rule book have been dispensed with altogether. Gone are witness box, open court, defence, court protocol. Emergencies respect no rules, no understanding between gentlemen. This has not been a flight from fair trial. Nor has it been flight from principle, or desertion of a cause, but a move surely to fight another day for both.

An adventurous Special Branch man infiltrates into the capital from the border post and is seen in the block of flats where most of the refugees live, though his rap on the door lacks that peremptory summons it would have had on his home ground. The wife of a refugee, seriously ill for months, faints in the doctor's consulting room downstairs. The two stories converge on one another and appear as cause and effect in one of Johannesburg's dailies: "Refugee faints at sight of Special Branch" runs the version.

The chatter about the refugees grows more daring. Into one of Swaziland's weeklies '*The Swaziland Chronicle*' some of the chit-chat spills. In the PUB CHATTER column, 'Barfly' writes:

> "There are too many refugees in Swaziland. The Passover is over—time some of them passed back."

There is a steady weekly stream of provocation and insult. It is rumoured that there is a price on the heads of the refugees, and a well-lined purse awaits any intrepid Swazilander who delivers a human trophy to the border post. Gossip commandeers fact. The refugees are spreading sedition in Swaziland. They have been seen addressing meetings at the Market Square. "How did you know they were refugees?" "Oh, we knew, they wore beards. . . ." At supper time the bearded refugees, three in all, are subjected to close scrutiny by the whole accusing table. All three solemnly shake their heads. For the most part the local populace is indifferent to our presence. Some are warmly sympathetic, some undisguisedly hostile; and for this latter group the hearsay deeds grow in enormity with the telling.

Even now, six weeks later, the Emergency is still very much with us; and the Union's Minister of Justice, Mr. Erasmus, brings it sidling closer. Another of those tirades sweeps the Union Assembly based on the technique of making the charges first and then issuing orders to the Special Branch to prove them afterwards. This time the Minister gives Parliament five earnest reasons why the Emergency cannot be lifted at once; amongst them, one that nibbles at our asylum only five driving hours away. So long as wanted persons who have taken refuge in the Protectorates have not been extradited and the Union Government is unable to fetch them, the Emergency must continue. Adds the Minister: the Government is negotiating with the British Government for the extradition of these persons.

Post-haste the day after comes the first slight retraction. No request for extradition had yet been made to Britain, but on May 5th "a verbal request was made to a senior member of the staff of the High Commissioner of the United Kingdom for the names of persons who had crossed into the Protectorates to escape the provisions of the Emergency Regulations, and a reply was received that a 'reply will be given in due course'."

Extradition, say the law books learnedly, relates to the surrender by one State to another of persons who are fugitives from justice. Under British practice, no person accused of a purely

political offence can be extradited. But the Fugitive Offenders Act of 1881 governs the surrender of fugitives by the Commonwealth Relations Office and here, the pundits say, political offences are *not* excluded.

Inconclusive maze-winding arguments by sea-lawyers on the law and its meaning are inevitable among the refugees; and the issues echo in the Lords and Commons, where assurances are given by the Secretary of State for Commonwealth Relations that the British Government will not turn anyone from the Union over to the South African authorities on political grounds. The point which troubles questioners, however, is the precise dividing line between what would constitute "political grounds" and what would constitute a criminal offence.

> Mr. Gaitskell: If South African legislation makes political acts a criminal offence, does that in any way weaken the Minister's assurance that only persons who might be charged under the South African Criminal Code will be sent back?

On this point, say our press reports, Mr. Alport was not at all clear, even after repeated questioning. Heads move together round the dining-room table while the refugees, each with a competing favourite phrase, compose their retort to the extradition demand of the Union authorities.

> *We are not criminals in flight, but fugitives from injustice.*
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> *We are required not because we have committed offences against laws normally found operative in democratic countries, but for alleged violations of political laws that are peculiar to South Africa. In the past 12 years the Union Government has passed a number of Acts of Parliament creating special and unusual offences designed to make any political opposition to the Government, particularly by non-whites, a crime.*
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> *We have committed no crimes. We have sought political asylum not out of any consciousness of guilt but because of the arbitrary and haphazard way in which, under the Emergency, innocent people whom the Government knows it cannot successfully prosecute, have been summarily detained. We are certain that the object of the Government in seeking our extradition is not for the purpose of trying us, with due process of law, but indeed to deny us fair trial and imprison us indefinitely under the Emergency Regulations.*
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> *As for the Minister's charge that while in the Protectorates we are engaging in subversive activities against South Africa, this is sheer*

invention intended to prejudice us in the eyes of the British Government. We are living through a miniature 1960 frontier war in which the South African Minister of Justice tries to turn three scattered little groups of political refugees into hostages for the lifting of the Emergency.

Britain will do no bargaining over the bodies of the refugees, the House of Commons is assured a week later. Meanwhile, in the Union, the Nationalist Party press and lobby have been reminded that upheaval in a seething country can be reduced to the work of "agitators"—either those sheltering in the Protectorates or others still to be uncovered. It's the old story: lock up the agitators and the "Bantu" will be contented; charge the spokesmen of the strikers and the factory hands will find their wafer-thin pay envelopes enough; censor the press and South Africans will encounter nothing but goodwill abroad. Wrongs are not wrong until someone writes or talks about them, for only when "agitators" verbalize dissatisfaction does it exist.

The Union's political police, the Special Branch, operate on the same "agitator" principle.

"Who," Special Branch interrogators asked successive detainees hauled up in the prisons for questioning, "*Who* is the Master-Mind?"

For a week the newspaper skirmish with the British Government on the subject of refugees becomes a useful diversion from the Emergency proper. Posses of police are drafted from the routine exercise of harassing Africans for passes and digging for illicit beer in township back yards, and are posted on duty at police barriers across all roads leading into the Protectorates. Proof of identity is demanded of drivers and passengers, while car interiors and luggage compartments are searched. Routine stops at the police posts become part of the journey to and from Swaziland, like stopping for petrol. A mischievous Swazilander cannot deny himself the joy of announcing "Van Rensburg" when his name is demanded, to roar aloud at the rapturous shout of the police patrol: "Jirrah! We've got one", and then to roar again seconds later at the crestfallen look on the face of his disillusioned captor. The borders have been slammed shut after the refugees have fled, and the Union authorities are saying ominously that they will wait for 20 years if need be to get their hands on them, while they carefully seal off all such escape routes from the Union.

Slowly refugee routine and Swaziland routine begin to converge. Uprooted and third generation settlers alike share the speculation about how near or far off the projected rail-line is; the spectacle of the spit-and-polish smartness of the African police parade for the Queen's Birthday celebration; and the twice a week queue in the local library. There's comfort in identification with the conventional round, and there is reassurance in the head-nods during the slow progress up the main street, although conversation rarely moves beyond the polite exchange of slight neighbourly acquaintance. Refugee preoccupation with jails and police raids, censored letters from cells, the deportation of African youngsters from the cities on the grounds that adolescent idlers graduate into adult agitators (even Master-Minds?) are on the whole—with some warming exceptions—not at all the subjects for polite talk. Hotly expressed revulsion with Nationalist policies is a welcome binding agent between refugee and Swazilander, but there remains a puzzling self-righteousness about Swazilanders that this is a land of *no politics*, as though it constituted superior taste or finesse to keep the atmosphere clear of controversy. Some of the advocates of *no politics* are the violent few who mutter darkly in corners against the refugees, since their very presence in asylum is held to import undesirable issues into the country. Then, surprisingly, this same group turns out to be the small clique from which emanates the plot to return runaways, kidnapping them back to the Union if need be. Do the people who insist on *no politics* really mean "no arguments against my politics?" The kidnap threats do not come to anything, although two heavy-booted Swazi policemen spend several cold nights pacing the pavements before the refugee-occupied block of flats while the refugees, to their shame, hold an uproarious party upstairs, with the excuse that it is easier to guard everyone in one place and, while we are all together, why not be jolly?

Three months, one quarter of 1960, draw to a close, and the permit issue looms. When first refugees crossed into Swaziland, the Immigration Law was amended to enable the High Commissioner to by pass the Immigration Board procedure and issue special permits, entirely at his discretion, subject to withdrawal at any time and to any conditions laid down by the High Commissioner. On the day that the three-month period expires for the first of the refugees, the set of conditions is produced and an undertaking requested that the permit holder will take no part in

politics in the Protectorates or in any territory bordering upon them. With the conditions of release for the first Union detainees let out of prison still fresh in our ears, the conditions for asylum from the Nationalists have an ominous ring.

We have no intention of becoming involved in Swaziland politics. But the right of self-defence and of reply to false attacks, which the conditions of the permit will deny us completely, is another thing altogether. We recognize that the right to engage in Swaziland affairs is the prerogative of its own citizenry. We appreciate that we are the guests of the High Commission authorities and of Great Britain. We want to continue to enjoy political asylum in Swaziland. We have no intention of converting Swaziland into a base from which to launch "subversive attacks" on the Union, as charged by the Union Minister of Justice; nor would we be able, even if we wished, to organize and control the affairs and activities of Union political bodies from a Protectorate. Yet we do feel that we cannot accept restrictions on our right to defend ourselves when under fire. What does the term "politics" embrace? The undertaking gives little guidance on precisely what we are permitted to do and to say, so that we may find we have breached it in ignorance and are therefore liable not only to expulsion but to criminal prosecution. Where the undertaking is specific, it seems it would preclude us from drawing attention to our plight, or from campaigning for the repeal of the Emergency Regulations, for the release of relatives and friends who are detainees, and for our right to return to our homes and families without hindrance. The undertaking would prohibit us from commenting on, or writing articles for the press in the Union, Britain, or further afield on any issue relating to events in South Africa.

We are only too conscious that we must not take any course which would justify the authorities in terminating our asylum and we are anxious to consult with the authorities about the wisdom of any stand we might wish to take. The power of the High Commissioner to terminate the permit of any refugee whose actions offend is the ultimate sanction and surely safeguard enough against the development of any embarrassing situations. We add, politely, that we find the undertaking vitally objectionable and will not sign it.

The issue of how to treat political refugees should be relatively simple for a country like Britain that has a time-honoured tradition of giving asylum, from the days of Mazzini before modern Italy, to Kossuth in the time of Gladstone, even to Marx. What bedevils the issue? Policy towards Nationalist South Africa is one of the touchstones by which the emergent African continent

judges the stand of the world powers; and where she has to choose between the Union and the rest of Africa, Britain has already shown that obscurantist Nationalist Government policies are expendable. It is the delicate relationship between the Union and Britain over the Protectorates which clearly inhibits Britain in handling the problem of the refugees (a small problem, admittedly, if one counts the number of refugees involved, but as large as any point of principle). Is it not out of consideration for Union attitudes that Britain imposes these severe conditions on the refugees?

Since Union in 1910, the three High Commission Territories have been like the children of a broken marriage. Britain has custody of the offspring; but South Africa has remained the belligerent father, unreconciled by the terms of the separation agreement or the passing of the years, seeking pretexts again and again to reclaim custody. When there are no pretexts, the Union Government will invent them; for, like the Republic, incorporation of the Protectorates is one of the few diversionary items left in the Nationalist Party cupboard—food to take the minds of impatient party supporters away from real issues in the Union. In the Africa of 1960, there is no hint that Britain would agree to any changed status for the Protectorates. The Nationalists are further than ever from getting custody. But any hint of concession to Union pressure, on whatever issue connected with the Protectorates, will be an open invitation to the Union to press her claims more strongly. The economic links between the Union and the Protectorates, the heavy dependence by the three countries on the Union's labour market, even the dual rôle of the High Commissioner as Britain's diplomatic representative to the Union and at the same time chief protector of the Territories, have all helped to blur the fact that the Territories remain independent of the Union. Harbouring refugees from Nationalist injustice might be "embarrassing" for a power that would rather no extraneous issue interfered with a well-ordered pattern of relations between the two governments. But the best-ordered relationships are disturbed by Emergencies; and, in the Union, Emergencies are endemic, like typhoid in the jails. In the April 1960 crisis the patient's temperature leapt to the top of the graph and his convulsions were alarmingly violent, but the patient has lived to convalesce until the next fever mounts. For those in the vicinity, on her borders, on the same continent, in the same world, no safe immunisation from these epidemics has yet been found. They threaten to touch us all.