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ANTI-SWA

LAW AND THE STATE

The Chief Justice of New Zealand, Sir Richard Wild recently toured South Africa as an official guest of the South African Government. At the end of his tour he remarked that some parts of South African law were repugnant to visiting lawyers. This provoked the anger of Harry Frank, President of the Transvaal Law Society, who commented that the South African judiciary was "impartial" and that the "State would always provide a pro-deo defence for anybody - White or non-White - facing a capital charge".

The Chief Justice's remarks had nothing to do with the impartiality or otherwise of the judiciary or whether or not pro-deo defence was always available: he was attacking the unjust laws which have to be implemented even by the most unbiased judge. Harry Frank's reply exposes the inability of even the most reactionary lawyers to defend unjust laws. Instead he speaks of the "impartiality" of the courts and the provision of pro-deo defence. Time and again magistrates and judges have shown themselves to be prejudiced, most notoriously when they have ignored charges of torture and brutality brought against the police. So it is nonsense to speak of South African courts as impartial. As for pro-deo defence what chance does a non-White accused have when he is being defended by racist lawyers like Harry Frank?

But we are not here concerned with Harry Frank and his brand of lawyers. The Nuremberg Trials have already passed judgement on such men. We are interested in Sir Richard Wild's comment that "some parts" of South African law are repugnant. This kind of remark implies that if these "repugnant sections" were withdrawn the South African legal system would then become fair and just. We reject this nonsensical assumption.

The legal system, like the army, police, civil service, the educational system and other facets of society are designed to protect the ruling class and together constitute the state machine which is the overall instrument of the rulers to control and exploit the ruled. No tinkering with this state machine, no minor changes here and there can alter the general functions and powers of the state.

The repugnant laws to which Sir Richard Wild refers are but a reflection of the repugnant nature of the fascist-racist South African State. It is as impossible for the oppressive regime to withdraw such laws as it is for it to acquiesce in its self-destruction. In other words the fascist regime needs these laws to defend and perpetuate its rule.

These oppressive laws also demonstrate the increasing need for the South African State to become more brutal, more authoritarian in the face of the militant struggles of the oppressed Black majority. This is shown also by the wider powers given to the police and the haste

with which Cabinet Ministers defend police thugs. This trend alone is significant indication of the awareness and might of the Black majority.

The liberation movement in South Africa has long passed the stage of appeals, protests and demonstrations.

For some time now it has entered the stage of a general struggle to seize power - to destroy the fascist State machine and to replace it with the People's State. When we have succeeded in doing this not only the "repugnant laws" but the very legal system of the racists will be destroyed.

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THE PEOPLE WILL WIN!

White supremacy is based exclusively and ultimately on force against the people. It is devoid of any moral or creative impulse.....

The people have taken to arms because, among others, arms are a very important factor in the struggle between the privileged white minority and the oppressed peoples. But arms are not the decisive factor by any means. The decisive factor in a struggle for liberation is the support of the people. A fundamental fact here is that thirty-five million people are oppressed by a tiny minority. The time has come for this situation to be put to an end.

The guerilla armies are growing. The people are being armed, The organisations are improving their performance and efficiency. Strategy and tactics are being perfected; unity and co-operation are being built on solid foundations.

As more and more areas are liberated the democratic programmes of the political organisations are put into practice creating bases of increased support. The war is going to be a prolonged war of attrition. But it will end in the total defeat of white supremacy and its supporters.

WHITE SUPREMACY AND ITS INSTRUMENTS
OF TERROR.

SECHABA, February 1969.

A MONTHLY CALENDAR OF THE STRUGGLE

FOR FREEDOM IN SOUTH AFRICA - by Optimist

Some Memorable M. RCH Dates in Our Country's History

* 1909 - The holding of the first political conclave of African leaders representing all sections of South Africa was prompted by the urgent need for collective action to combat plans for the establishment of a Union Government representative only of the White minority of the population. This was the central reason for the convening of the South African Native Convention which opened at Bloemfontein on the 24th March 1909. Among those present were the Rev. Walter Rubusana from the Cape, John Tengo Jabavu, editor of Imvo Zabantsundu, Dr. John L. Dube from Natal, and M. Masisi and J. Makgothi from the Orange Free State. They demanded "full and equal rights" for all in the proposed Union, and this was the burden of a petition which a deputation carried to London - unsuccessfully. The main significance of the Native Convention is that it paved the way for the establishment, less than three years later, of the African National Congress of South Africa.

Paralleling the views expressed at the Bloemfontein meeting were those voiced by the African People's Organisation, the movement for the rights of the Coloured population in South Africa founded in 1902 (originally called the African Political Organisation) and led since 1905 by Dr. A. Abdurahman, one of the country's foremost leaders in this early period, as its President. At a conference held in Cape Town April 13-17, 1909; the A.P.O. expressed appreciation of the work of the Native Convention at Bloemfontein in the preceding month. Dr. Abdurahman described the draft constitution for the Union Government as "wicked" and "unjust". One of the A.P.O. Conference resolutions declared "That the time has arrived for co-operation of Coloured races in British South Africa, and... to act unitedly to protect the rights of all Coloured races and secure an extension of civil and political liberty to all qualified men irrespective of race, colour or creed throughout the contemplated Union." An A.P.O. delegation to London, with the same mission as that of the Native Convention, was led by Dr. Abdurahman.

* 1919 - An anti-pass campaign was launched in Johannesburg and Pretoria at the end of March 1919 by the African National Congress. It got under way in Johannesburg with a march of several thousands through the streets to the Pass Office, where a deputation entered and laid the people's grievances before the officer in charge. Afterwards a mass meeting was held in the open square behind the Pass Office. A writer has described the scene:

"There is a kind of naive heroism in the spectacle of these thousands of Black men assembled on Von Brandis Brandis Square, crying 'Down with the passes!' but then

'No Violence!'/....

'No Violence!' - surrendering their sticks, setting about their defiance of injustice with songs of Britannia, with cheers for England's King and for President Wilson, only to have their meeting roughly dispersed by the police. There was no meanness in them, but a dignity which might well have made their conquerors ashamed."

It was when some 2,000 passes had been collected from those at the mass meeting from African employees in the city's shops that the police intervened and began making arrests. Then crowds converged around the magistrates' courts singing "Nkosi Sikelela," the A.N.C. anthem, and demanding the release of those arrested. On April 3rd mounted police charged into a crowd of Africans and this precipitated clashes between Blacks and Whites. But only the Africans were arrested, seven hundred of them in all. Nevertheless, the anti-pass campaign continued.

* 1922 - At the time of the so-called Red Revolt on the Rand in March 1922, it was clearly demonstrated that the power of the South African Government's armed forces could be used on behalf of the mine owners against White workers on strike, if need be, just as they had been used in February 1920, for example, against Black workers on strike. It all began when 800 White miners at the Witbank collieries, about fifty miles from Johannesburg, went on strike against a wage cut on January 2nd 1922. They gained the support of the White trade unionists on the Rand and the strike gradually spread there, although no general strike action was declared until early in March. During the strike the White workers never even considered enlisting the support of their African co-workers, much less including their interests in their strike demands; the prevailing attitude was one of indifference toward the African workers, or one hatred born of fear of losing the privileged status they enjoyed as White-skinned. S.P. Bunting, a prominent Communist leader, early in the strike warned, "One of the surest weapons to defeat a White strike in South Africa is to get up a 'kafir rising' cry.... The workers forget their own cause and rush off to shoot 'niggers' - just what the bosses want in order to keep the proletariat terrorised."

That is exactly what happened: the trap was baited for the White workers, they fell into it and were caught. On the same day that the general strike call was being circulated, March 7th, there was a sudden eruption of assaults by Whites on Africans in various sections of the Rand. Although there had been some racial clashes on the East Rand and in Fordsburg during February, those on March 7th, in which several persons were killed, were far more serious and wide-spread. There were some suspicious circumstances about

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them, and it is possible that paid provocateurs were involved; but the fact remains that few of the White strikers had paid any attention to the warning that their fight was against the mine bosses and their Government supporters and not against the Africans. In any event, Government could now say that it was necessary that steps be taken to restore order and prevent a "kaffir rising". On March 10th martial law was declared and the entire strike leadership immediately arrested. And, as newspapers headlined stories of a Bolshevick plot to overthrow the State, twenty thousand troops armed with machine guns and supported by artillery and even bombing planes moved into action against the strikers.

When the fighting ended, 39 strikers had been killed and about twice as many soldiers. Twenty-four non-White persons were also among the dead. Those arrested numbered 4,758, including 62 women and four children, and 1,409 of them were prosecuted. The end of the general strike was announced on March 16th and thus terminated the ten weeks struggle conducted under the misguided and self-defeating slogan of "Workers of the world unite and fight for a White South Africa."

* 1937 - A significant step toward a united front of the progressive forces in South-Africa was reflected in the mass meeting held in the Cape Town City Hall on 22nd March 1937 to protest against proposed new legislation aimed at strengthening and extending the racist barriers against economic and social equality. The meeting was supported by the African National Congress, the South African Indian Congress, Cape Malay Association, Communist Party, Socialist Party, Railway and Harbour Workers Union, Garment Workers Union and other bodies. The audience of two thousand was addressed by speakers of all races. A resolution was unanimously adopted protesting strongly against the proposed legislation and against "the principle of subjecting non-Europeans to special disabilities because of their colour," and demanding "that the non-European peoples be guaranteed complete equality, equal right to work and education, and the right to vote, organize, serve on juries, and hold public office."

* 1943 - The controversy touched off by the Smuts Government's appointment of a Coloured Advisory Council in March 1943 had the salutary effect of bringing about a sharp cleavage between those elements in the Coloured community who favored an opportunistic go-it-alone policy and those who were for joining forces with the African and Indian liberation movements. The majority of the members of the African People's Organisation took a stand against the Coloured Advisory Council. Dr. E.T. Dietrich, President of the A.P.O. in 1940's, defined his organisation's policy in the

following/.....

following terms:

"The Coloured people are beginning to come out of their isolation from the other oppressed groups... The policy of Coloured political leaders in the past has been to serve the ends of the ruling class and to preserve the artificial barriers separating the Coloured man from his ally, the African. It is only recently that the Coloured man is realizing the essential identity of his own bitter lot with the African: that his problem is the problem of the African and the problem of the equally oppressed Indian. He recognizes that only by united movement of all oppressed non-Europeans fighting for the same aims can the tide of reaction and oppression be stemmed. And it is in this recognition that real and firm harmony and racial co-operation is in the process of gestation."

* 1947 - It was in Johannesburg on the 9th March 1947 that Dr. A.B. Xuma, President-General of the African National Congress, Dr. G.M. Naicker, President of the Natal Indian Congress, and Dr. Y.M. Dadoo, President of the Transvaal Indian Congress, signed a joint declaration of co-operation in the fight for their respective organisations toward the achievement of common political, economic and social goals of freedom and justice. This marked the initial building of the great Congress Alliance that was to reach full bloom in the 1950's. The Xuma-Naicker-Dadoo pact had really been implemented in advance of the signing through the support given by A.N.C. forces to the Indian Congress in the Passive Resistance Campaign begun in 1946 in Johannesburg and Durban against the Asiatic Land Tenure ("Ghetto") Act.

(TO BE CONTINUED)

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FRELIMO ACKNOWLEDGES:

To the A.N.C of South Africa.

Comrades-in-arms,

The Mozambique Liberation Front (FRELIMO) hereby expresses, in the name of the fighting people of Mozambique, its thanks for the messages of condolence sent us on this mournful occasion by our comrades-in-arms of ANC of South Africa.

We very much appreciate the fact that you have shared with us the sorrowful and profound distress we are in,

as a result...../7

as a result of the outrageous and cowardly assassination of our great President, Dr. Eduardo Mondlane, perpetrated by agents of imperialism, colonialism, racism and oppression.

We in (FRELIMO) and the Mozambique people pledge to carry on the Revolution he so successfully led and the cause for which he died.

Francisco Xavier Kufa.

Frelimo Representative, Lusaka.

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SWAZILAND AND AFRICA: CO-OPERATION OR CONFLICT?

- by Sello Lerumo

On 6th September 1968, Swaziland - the last British territory in Southern Africa - was given independence. It comes at a time when the region is being increasingly dominated by two contradictory forces. The South African Government is on the offensive. Elated by its diplomatic and aid ties with Malawi, it is moving swiftly into Swaziland, to ensure that it remains a buffer zone free of freedom-fighters. The latter are also on the rise - led by ZAPU/ANC in Zimbabwe, and by Frelimo in Portuguese Mocambique (although the latter is not yet operating militarily in that part of Mocambique between Swaziland and the sea.) In such a situation of collision, what is Swaziland's relationship with South Africa, and - the other side of this coin - what is her attitude to the freedom-fighters and Africa?

Swaziland's position is specially interesting. Although the smallest in size and population of the former High Commission Territories, it is the most prosperous (it hopes to finance its own expenditure within three years). It also has most cause to conflict with South Africa.

The Power Of Imbokodvo

Three factors shape its politics. The first is King Sobhuza - Head of State, and Founder-patron of the ruling Imbokodvo National Movement, which won 79.6% of the votes in the 1967 general election. Imbokodvo forced Britain to provide a Constitution in which the House of Assembly is composed of eight huge, three-member constituencies. This has swamped the small urban areas with rural votes, thereby preventing the sole opposition party - the Ngwane National Liberatory Congress - from winning a single seat. If Imbokodvo monopolises the

legislature, the/8

legislature, the Royal Family dominates Imbokodvo. Prime Minister Prince Makhosini Dhlamini is a son of King Sobhuza - as are two other Ministers and a back bencher! A further three Princes dominate the Minerals Committee, which is appointed by the King to advise him on the issuing of mineral licences and the disposal of mineral royalties which do not accrue to the Government's revenue. The King further appoints (not on the advice of his Prime Minister) six members of the House of Assembly, and one half of the Senate. Most Imbokodvo back-benchers are loyal to the chiefs. While the political backbone of Imbokodvo is the Royal Family and chiefs, its administrative competence comes from the small minority of educated Swazi who support. In particular, the two Nxumalo's who led the Swaziland Democratic Party up to 1965 are now Cabinet Ministers.

The Settlers:

Imbokodvo also relies on the support of some 8,000 White settlers. While no longer electorally important, they dominate almost complete the cash sector of the Swazi economy. Owning over 40% of the land, all mining and industry, they are also the main benefitters from the economy. Mostly South African by origin and citizenship, they are divided into two factions - a large racialist one, and a small liberal non-racialist one.

Imbokodvo ended its electoral alliance with the former about two years ago. It now favours the latter. This is reflected in the Whites have been appointed to the legislature - pre-eminent among whom is the cautious liberal Mr. Leo Lovell, a former Labour Party member of the South African Parliament, and now Swaziland Minister of Finance.

The Opposition NNLCS

The N.N.L.C. is the sole significant anti-Imbokodvo force. Led by Dr. Zwane, its support - the urban working class and the Swazi intelligentsia - has resulted in policies far more radical than Imbokodvo. It recognises and deploras Swaziland's neo-colonial relationship with South Africa. It wants the King to be a purely titular figurehead. It wants the Swazi to share control of the economy with Whites. Despite the closing of its Dar-es-Salaam office since Independence, and the defection of some of its leaders, it retains some vigour. It publishes a monthly journal, organised last month a large demonstration against higher poll-taxes, and increased its share of the vote in the 1967 election to over 20% - or over 48,000 votes - which corresponds with the 56,000 wage-earners in the territory. However, it is not yet a major power factor. It has no place in the Legislature. The next election is not due for three years. And Imbokodvo is already putting on the screw - it has tried to deport one N.N.L.C. leader

to South Africa,

to South Africa; it has cancelled the registration of three Trade Unions on which the N.N.L.C. relies heavily.

Contradiction Within Imbokodvo:

Nevertheless, Imbokodvo suffers from three inner contradictions which can in the long run weaken it. Its greatest strength - Sobhuza (King since 1921) - is also its weakness. For he is 70 years old, and no successor is likely to have anything like his prestige. Secondly, as Imbokodvo implements its promise to develop the economy by attracting industry and opening a second asbestos mine, so it increases the objective basis - the working class - of an N.N.L.C. - type party. Finally, it can only increase the standard of living of the rural Swazi speedily if it regains a lot of the land now in settler hands. Yet not only the economy but the goodwill of South Africa depends on Swaziland not taking any drastic measures against South African settler-citizens. Britain's refusal so far to finance the buying back of settler land, has, in Prince Makhosini's words, "planted a time bomb in our country" which "will, not solved, amount to a major political problem and may disrupt peace and harmony among the races."

Britain On The Way Out:

Clearly, Imbokodvo's dominance is likely in the long run to be reduced. But meanwhile, what is the present international environment with which the Imbokodvo Government is faced? One thing is clear: Britain is not likely to be a counter-weight to South African influence. Admittedly her present ties are significant. She is Swaziland's biggest customer. 62% of all exports come from enterprises run by the Commonwealth Development Corporation. Aid in 1969/70 amounts to K5.07 million. But this Britain is planning to reduce, and Swaziland herself wishes to diversify her exports towards Central and East Africa. Above all, as the Rhodesian conflict has shown, Britain is not prepared to clash with South Africa regardless of what that country does.

South Africa Moves In:

South Africa, on the other hand, is moving in fast. The S.A.B.C. is doing a survey on how to develop Swaziland's broadcasting. On January 31st, 1969, South Africa agreed to second white staff to any Swaziland local authority in any capacity. In the absence of the U.N. complying with an Afro-Asian request to guarantee Swaziland against possible aggression or pressure by South Africa, and in the absence of the O.A.U. taking any effective action to prevent Swaziland becoming further dependent - the Republic has to hand a whole range of means whereby to exert pressure. For Swaziland is surrounded on three sides by South Africa, and on the fourth by South Africa's close ally,

Mocambique. The Swazi population of 374,000 is a mere 2% of the Republic's; her gross domestic product of K52.4 million is roughly 0.5% of South Africa's; 20% of her K40 million exports go to South Africa, and 75% of her imports come from there. Her currency is Rands and cents. She falls within the South African Customs Union. In addition, over 5,000 Swazi work on the South African goldmines at any one time. The headwaters of all Swazi rivers lie in the Transvaal and South Africa has already made plans for their use.

The Attitude of The Swaziland Government:

What meaning can independence have in such circumstances? Can Swaziland play any role in the liberation of South Africa itself? What is the present thinking of Imbokodvo?

It has two contradictory aspects. On the one hand, it has gone a long way towards placating South Africa. The Government wants South Africa to build a railway to line up with its own. It has sent a mission to Lourenco Marques. Sobhuza has promised since independence not to interfere in South African affairs, and Makhosini has told the O.A.U. that "we shall have no patience with refugees who enter our country, ... to use it as a base for attacking other countries." He has stated "economically, there is nothing we can do unless we have the support of these two countries.....we will continue to have good relations with South Africa and Portugal." Clearly freedom-fighters can expect no aid from the Swaziland Government.

But the picture is more complex than this. The Swaziland Government does not wish to be a puppet. It has declared for majority rule and non-racialism. Imbokodvo leaders have stated "We belong to Africa", and again, "it is unthinkable that we could allow a new master to lord it over us." In pursuance of this, political refugees were specifically excluded from a new extradition treaty Swaziland has signed with South Africa. Swaziland has refused to accept South African proposals to revise Customs Union, because the latter country is trying to dictate what industries shall be erected in Swaziland. (Financial Mail 24/1/69). She is trying - in vain so far - to get South Africa to ratify the U.N. Convention on Transit Trade of Land-locked States which guarantees unhindered passage of goods. She has joined the O.A.U. and the Commonwealth. At the latter's Prime Ministers' Conference, Prince Makhosini attacked Britain for selling out over Rhodesia. Most important of all, Swaziland took the initiative in sending a trade delegation to Zambia and East Africa. Minister Simon Nxumalo has made a plea to Africa: "We need the good will of Africa."

These are not the actions of a puppet. Swaziland is desperately weak,

but it does.....11/

but it does not wish to be weak. It is aware of the whole range of issues where its interests clash with South Africa's - the headwaters of her rivers, the Customs Union, South Africa's clumsy attempt to prevent industrialisation, South Africa's reluctance to see a just land settlement at the expense of the whites, perhaps above all, the fact that two-thirds of pre-colonial Swaziland was grabbed by the Boers and now lies in the Transvaal. Indeed the whole history of the Swazi nation - and it was very much alive in King Sobhuza's mind on Independence Day - makes Swaziland hostile to South Africa.

A Strategy for the O.A.U.:

The rulers of Swaziland appear to be following a reactionary policy and have made it clear they will not allow the country to be used as a base by freedom fighters. Furthermore the future of Swaziland is inextricably linked with that of South Africa and the people of Swaziland cannot avoid becoming involved in the growing liberation war; In the circumstances it is perhaps not the wisest course for the O.A.U. to wash its hands off Swaziland. The following points are suggested as steps which might help and influence Swaziland to move away from the South African sphere of influence.

1. Several states can station ambassadors in Mbabane, as a diplomatic counter-weight to South Africa. Zambia has already done this in Botswana.
2. The African block at the U.N. could organise states to press South Africa into signing the Transit Trade Convention.
3. States could follow Zambia's lead in negotiating trade agreement with Swaziland. The latter can offer iron, asbestos, sugar, fruit, cattle. And in return there is a Swazi import market worth K35 million a year. East African and Horn of Africa states have a special opportunity here because of short and easy transport routes.
4. Some 23% of the Whites in the Swaziland civil service have resigned. The 100 vacancies so caused could easily be filled by each state loaning two or three men, thereby squeezing South Africa out.

Finally, a joint O.A.U. contribution of one or two million Kwacha a year would almost eliminate Swaziland's budget gap - once again reducing her need to turn to South Africa.

Africa has a great opportunity in Southern Africa. It is up to her to take it with both hands.