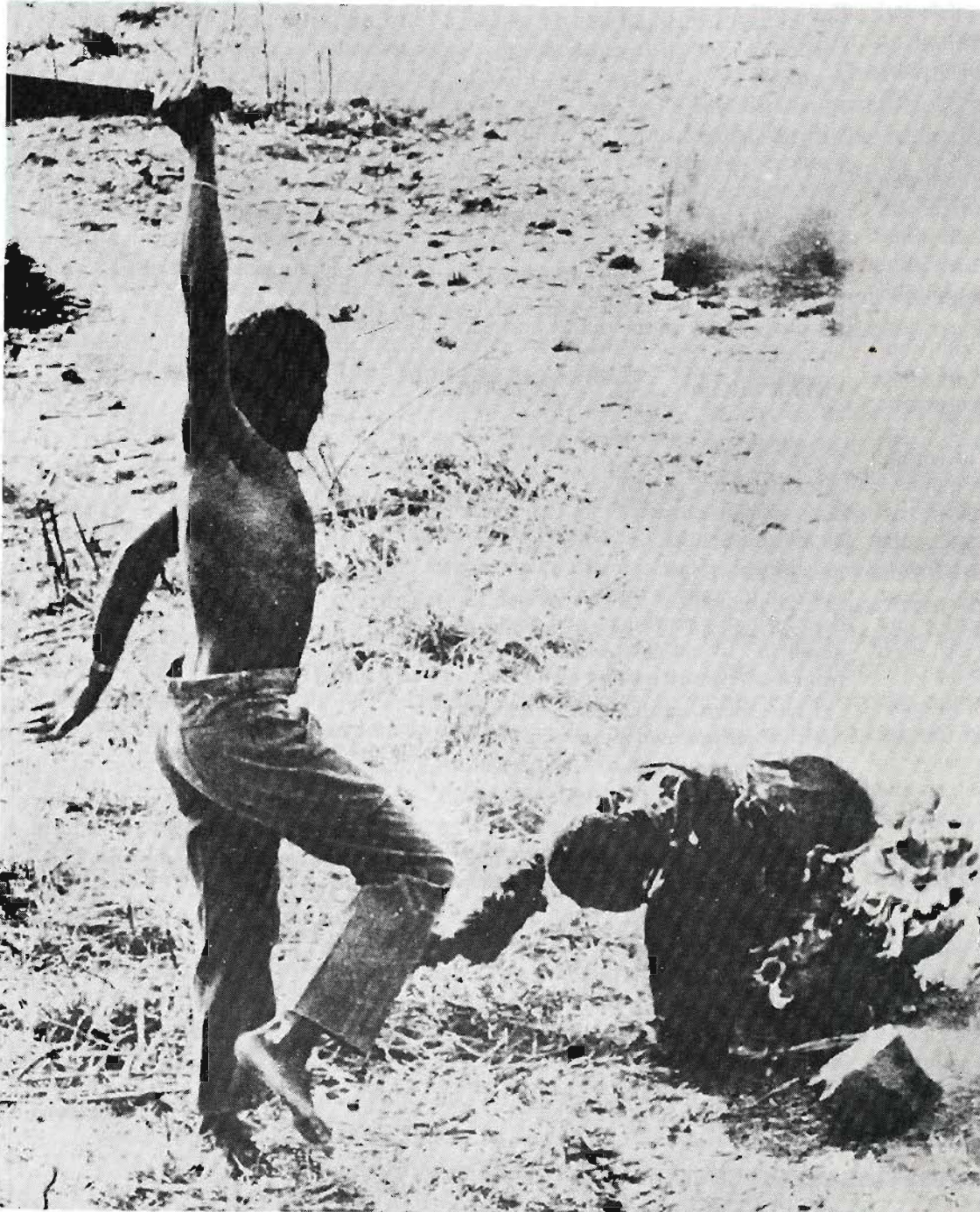


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Integral
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LETTERS TO THE EDITOR

Why should Liberals throw in their lot with the A.N.C.?

WHY should Allister Sparks expect white Liberals to throw in their lot with the ANC? In the days when the Liberal Party was fighting valiantly for a common society, and demonstrating its belief in a non-racial democracy by the composition of its membership and the way it operated, we used to co-operate with the Congress movement in opposing unjust laws such as the Group Areas and Pass Laws.

But the relationship was never an easy one. Apartheid was the common enemy, but there were many differences in our methods and our ultimate aims.

Apartheid is now on its way out, and the question now is, what kind of society is to replace it.

Liberals have an important contribution to make, in the realm of ideas rather than numbers. In a democratic society, every adult should have the right and the responsibility of voting. But this does not mean that the majority will always be right.

Liberals are used to being in the minority, but as long as there is freedom of thought and open debate, those ideas which are based on justice and common sense have a chance to exert their influence.

What South Africa needs now is not "solidarity" but an earnest and honest exploration of all possible ways to solve our many practical problems and build a better life for all our people.

MRS J.F. HILL 27 Meyrick Avenue
Durban

ALLISTER SPARKS'S strictures on liberals for not being at the ANC conference do not leave me feeling particularly guilty.

I went to Nelson Mandela's Durban rally, to the ANC's public launch in Pietermaritzburg, and I took part in a

"peace" march through that city, organised by its supporters, at which the Zulu refrain to which we marched proclaimed what the singers had done, and still hoped to do, to Inkatha in the local township of Imbali. I was by no means the only "Alan Paton Liberal" present on each of these occasions.

I did not go to the ANC conference because there was, as far as I was aware, no general invitation to outsiders to do so.

Mr Sparks does not think this was a good enough reason. Perhaps it was not, but nevertheless it was the reason.

Having said all this, Mr Sparks is probably right to say that liberals should become more closely involved with the African style of politics. It would be easier to do so if one did not have serious reservations about some of the policies on offer and some of the actions with which they are supported, or did not live in an area where the leadership of all factions is openly hostile to many of the things in which one believes.

PETER BROWN Hilton

I AM writing to request permission to reprint extracts from the article by Allister Sparks.

I think the questions he raises are relevant to many in the Black Sash and believe that a reprint in our monthly newsletter would elicit some response from our recently retiring members.

I have been on the Reality mailing list for some time and must compliment you on the new format which is both more interesting to read and excitingly up-to-date.

S.A. NILSEN The Black Sash
Newsletter Editor Durban

REGARDING Allister Sparks's article in the July issue, 'Whatever happened to the white Liberals': maybe he should ask, "Whatever happened to all the World's Liberals not just the S.A. species?"

Those moral watchdogs attacking the Nats' terrible actions are now silent or gloss over the ANC's excesses.

Perhaps genuine Liberals would be more comfortable with Mandela's ANC if he put more action into his fine words — like using his influence publicly to free a man from Zambian detention (without trial) whose crime appears to be agreeing to testify in an open court.

Words for all politicians are easy. Let's see some action — especially at grassroots. All are responsible for ending violence; not just one's opponents.

Maybe if the ANC's leadership was more committed to 'laying down their political lives' to defend others' rights to contrary political opinions they might be surprised at the positive support from the old white Liberals.

Whether they want this support is open to question as how many Liberals were invited to the ANC's July congress?

D.B. MCKEON Morningside
Durban

Reality's new look

CONGRATULATIONS on Reality's new look. May it prosper in the next twenty-two years.

GAIL M. GERHART
359 Riverside Drive *3A
New York, N.Y.

MY WIFE and I have read the new Reality with interest and pleasure . . . and we wish it every success.

PETER WALKER Buxton
Derbyshire
England

I READ it in one sitting, I was so engrossed. Excellent articles.

CAROLINE WHITE Melville
Johannesburg

Join the debate on changing South Africa. Write to:

The Editor, Reality
P.O. Box 1104, Pietermaritzburg 3200

EDITORIAL

Inkatha's Secret Funding

GOVERNMENT'S secret funding of Inkatha has left reputations on both sides badly tarnished. How much damage has this done to the negotiation process? Ironically, it may have helped it forward.

President De Klerk's image has been dented and the relationship between him and Nelson Mandela is unlikely ever to be quite the same again. Ministers Vlok and Malan are at last out of the way and their replacements are among the most forward-looking members of the Cabinet.

Furthermore, the Government's weakened moral position may force it to step up the pace of negotiations in an attempt to win back any international goodwill the scandal may have cost it.

The ANC on the other hand, whose response to the affair has been eminently responsible, must feel that its negotiation position has been strengthened. Why not push ahead with negotiations while that advantage lasts?

So, as far as the Government and the ANC are concerned, there may be a shared incentive to get on with it.

The problem remains Inkatha. It has suffered great damage from the revelations about the

funding and its close relations with the security police. There must be a strong temptation amongst the ANC hawks to now try to sideline it completely.

To adopt such a strategy would be a grave mistake. There is nothing to suggest that Inkatha's grassroots rural support has suffered at all from the scandal. Its capacity for disruption, if it should decide to follow that line, is formidable. The sensible strategy for the ANC to follow is one which will see Inkatha fully engaged in negotiations, so that its members will feel they have helped shape the future and that they will be able to live comfortably with it.

Mr Mandela's insistence on 'inclusivity' in his keynote address to the Umkhonto we Sizwe conference recently, so that "no body of opinion feels excluded" in the difficult days ahead, gives full support to this principle. The dangers of abandoning it have been given bloody evidence by rightwing Afrikanerdom's violent response to the State President's meeting in Ventersdorp. They too must somehow be made to feel included. We certainly cannot afford to carry a disaffected faction on that scale, let alone two, into the future. ●

Reality to cost more

BECAUSE of steep rises in printing costs the cover price of Reality will be increased from the beginning of next year.

Beat the price rise by subscribing now!

The present price will apply to all subscriptions paid for before December 31.

For details see the Back Page.

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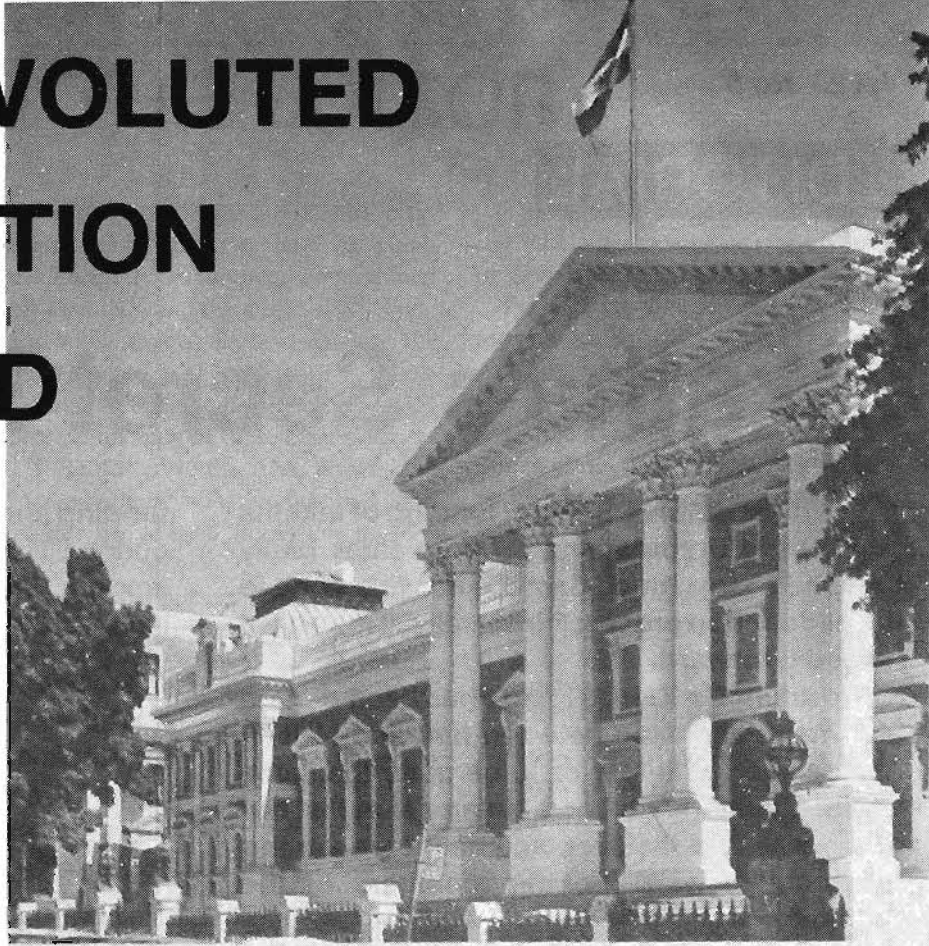
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* Page One picture by courtesy of The Star, Johannesburg

FW'S CONVOLUTED CONSTITUTION IS DOOMED

by
ANTHONY
HEARD,
former Editor
of the
Cape Times



IN GREEK mythology, two men were locked up in the Labyrinth on the island of Crete. They had angered the king, Minos. The one was Daedalus, the other Icarus — his son.

They escaped by means of wings they had made. Icarus flew too close to the sun, the wax melted and he died in the sea. Daedalus was more prudent and lived to celebrate the smothering of King Minos in his bath.

Is President De Klerk's new outline of a constitution going to fly? Like Daedalus. Or will it crash into the sea? Like Icarus.

Surely this convoluted ding is doomed to crash, if it flies at all.

It is likely to join the bits and pieces of the scrapheap of South African history — together with the wrecks tossed there by government and opposition down the years: Bantustans, Graaff Senate plan, total strategy, tricameral parliament, race federation, white leadership with justice, separate development, et al.

Cossets the more privileged

The De Klerk scheme has only two immediate merits over predecessor P.W. Botha's tricameral efforts. It is more just and less complicated — but far from what the nation needs.

Apart from the two houses of

Parliament, there are about three to five presidents cloned together in a college called the Presidency, a Babel of differing cabinet members, nine powerful regional governments and any number of local authorities in which ratepayers could have preferential voting.

It might just be termed power-sharing. It is not majority rule. It cossets the more privileged, at the expense of the unprivileged. Although it edges South Africa marginally closer to constitutional justice after the Dark Ages of Nationalist rule, it looks very much like a device to perpetuate the National Party in power — in practice, if not in theory. It looks uncannily like a system of loser keeps all.

Professor Sampie Terblanche put it this way when he wrote in the Cape Times after the unveiling of the plan: "Unfortunately the NP has still to learn the hard lesson that democracy is about winning and losing." He notes that the NP cannot contemplate becoming the opposition in a new constitutional system.

What can be said for the scheme is that at least, and at last, there is one Parliament for all races; and — except for local levels where the "gentry" is favoured — there is acceptance of one person, one vote; and there is the sensible system of proportional representation in the "First House".

Another extenuating factor is that this

is simply an opening gambit, what President De Klerk calls "by no means a final constitution", thank God.

A party that has dominated South Africa for 43 years, monopolizing power in its own exclusive hands, now proclaims with a casualness which is breathtaking: "Political power shall not be vested solely in the hands of any single individual, political party or group. We, therefore, proclaim our opposition to domination of any kind. We favour a system which includes rather than excludes parties and groups."

It is the most favourable scheme the NP could hope and pray for — and therefore it's not to be taken too seriously. In the negotiation process, there is little hope that it will prevail.

One can only hope that this is appreciated by the NP leadership, and that they have understandings with the ANC and other major players which will find them reaching agreement on more realistic plans.

Praise-singers too generous

Strangely, the scheme has received some favourable comment from international quarters such as the (London) Times, and even qualified approval from respected people like Mrs Helen Suzman



When one considers the daring and ingenuity of steps taken last year, his constitutional outline is timid — almost a joke.

(though criticism from a conservative paper like the Daily Telegraph.)

I think the praise-singers are being over-generous to Mr De Klerk.

The South African government is mesmerized by Switzerland and its cantons. But we do not live in Switzerland, a rather unusual country which in many respects is not comparable. We live in Africa, and we are emerging from the ravages of apartheid. A considerable degree of central government power is necessary to tackle the job of reconstruction — but with effective checks on executive abuse.

Dangers of power over-devolution

It is inconceivable that a new government would allow itself to be tied down by constitutional arrangements telling it whom to put in the cabinet and giving provincial “governments” enormous power to sabotage the effort of national reconciliation and reconstruction.

A glance at what the segregationist southern states got away with in the USA in spite of the provisions of the 14th amendment (recently popularized in the M-Net mini-series “Separate but Equal”, with Sidney Pottier playing lawyer Thurgood Marshall) should be enough to convince people of the dangers of over-devolution of power when a national job needs to be done.

It is clear that at top-level the government of the country will be paralysed by collegiate indecision. This will provide the gap for the regions and the powerful bureaucracy, dating back to the bad old NP days, to do their own thing. How convenient!

Can you imagine a Nelson Mandela, or any political leader for that matter (including Dr Treurnicht), emerging victorious from elections only to be forced to put political opponents in the cabinet? What happens to the doctrine of cabinet responsibility? If one minister goes off on a tangent and pursues policies

diametrically opposed to that of the winning team in an election, will he not be fired?

Nonsense of firm government

Can you imagine a victorious leader serving a brief term as top dog in the Presidency, then moving aside to allow a less-successful figure “rotate” into the job. This process can involve the deployment of three or even more temporary presidents, depending on the party strengths in Parliament. It makes nonsense of resolute government.

It is, of course, possible and likely that a victorious new government in a future South Africa will — as happened in Zimbabwe and Namibia — give minorities who feel threatened some representation in the cabinet. Sam Nujoma appointed a German-speaking minister of finance and a Mooresburg-educated man as minister of agriculture. But he was not forced to do so by the constitution.

A recipe for permanent chaos

The provision for a “multi-party cabinet” — except if it is to be a temporary arrangement pending a new constitution — is a recipe for permanent chaos. But worse: it will inflame racial feelings, because of a sense of frustration on the part of the winners about being hog-tied by this constitutional device. It will not bring out the best in the majority. The real interest of minorities will not be served this way.

The power-battle for South Africa will begin anew, instead of hostilities being suspended in favour of the quest for national reconciliation. The fears and frustrations of minorities would be far better met by a justiciable bill of rights and other well-known arrangements to underpin confidence.

Decisive government from the top is



Anthony Heard

more likely to foster rapid economic growth than a presidential and ministerial tower of Babel — and economic growth is surely the final guarantor of minority interests.

It should be recalled that Daedalus, who flew and lived, was an ingenious man, being credited with inventing the axe and the saw in Greek mythology. He had in fact designed the Labyrinth, the palace from which no one before him could find an exit.

Concede principle of majority rule

De Klerk was part of the Botha constitutional Labyrinth which currently imprisons himself and the rest of South Africa. That tricameral Parliament was fatally flawed. Let's not have another disaster, even if it is described by an enthusiastic Die Burger as the “most thrillingly realistic plan for a deeply-divided society such as South Africa's that ever took shape on native soil”.

The only way De Klerk can escape and soar to freedom, with the rest of us, is to concede the principle of majority rule, and support recognized constitutional means of getting there.

When one considers the daring and ingenuity of De Klerk's steps taken in February last year, his constitutional outline is timid — almost a joke. Or is he confusing things? Are these the interim arrangements?

● Constitutional Rule in a Participatory Democracy — the NP's framework for a new democratic South Africa, compiled and issued by the Federal Council of the NP, PO Box 36503, Arcadia, 007.

VIOLENCE: AN INTEGRAL PART OF S.A. CULTURE

Professor M.G. Whisson, Department of Anthropology at Rhodes University, analyses the role of physical conflict in the nation's political life.

VIOLENCE or, as Radcliffe-Brown put it in the gentler language of 1940, "physical force", is a concept and practice at the heart of politics.

Politics is about power, and power, De Crespigny reminds us, is the ability to compel others to conform to our will for them regardless of their own — which implies the possibility if not the necessity of violence.

Political activity is directed first at achieving authority in the political community, which means the general acceptance of a claim to a monopoly over the legitimate use of physical force. That authority may be delegated by the state to its officers in the security services and even, under restrictions, to parents, teachers and others in authority over minors.

The use of violence to achieve goals — any goals — is thus by definition a political act, since it is an assertion by the actor that she (or, more probably he) either does not accept the authority of the state in its claim to a monopoly over the use of force or is acting as a delegate of the state within the terms of the delegated authority.

The controlled, if not legitimised, use of violence is an important aspect of the socialisation of most children in this country. Rugby football, the definitive sport of white South Africa, demands the use of physical force and the controlled use of violence for success.

Any moral argument used in the debate must be seen as an attempt by one party to deny authority or legitimacy to another as the accuser may well not be in a position to use the force necessary to compel compliance.

For example, if, by the exposure of the payment of State funds by the Nationalists to Inkatha, the capacity of elements in the Nationalist coalition to coerce people is reduced in the areas under coalition control, a moral argument achieves a shift in the balance of power. "Seizing the moral high ground" has strategic advantages which are as practi-

cal as they are moral, and moral arguments play an important role in shifting the commitments of waverers in the coalitions, even if coercion and short term interests determine their actions.

In the South African scene the principle players are a coalition centred on the National party and its associated organs of state power, and a coalition centred on the A.N.C.

Neither party recognises the right of the other to exercise a monopoly over the legitimate use of force, which means that while the former coalition has the forms of state authority (tax collectors, security forces, courts, legislature) it does not possess the substance of political legitimacy in the eyes of a substantial proportion of the population. Rent and school boycotts, "illegal" strikes and marches, arms caches and coercive violence ensuring conformity to "calls" for mass action are some examples of the denial by the A.N.C. coalition of legitimacy to the National party state.

The major coalitions are by no means stable, each has active elements close to the centre which are capable of independent violent action against the will and interests of the formal leadership. Each also has a potentially powerful radical competitor straddling the edge of its coalition well able to profit from any sign of weakness, collaboration or compromise with the opposing coalition.

In addition there are many people, with widely differing levels of organisation and sophistication, who are prepared to use force in defiance of the law to achieve essentially economic rather than political goals. They may be distinguished conceptually from the political players in that they seek their economic rewards directly rather than on the yonder side of a political struggle from which very few can expect to gain significant material benefits in the short term.

The current contest for power and authority has to be conducted at both the physical or violent coercive level and at the moral level, as victory in both is

necessary if a stable government is to be established.

Since the explicit use of coercive force undermines the claims, a considerable measure of deceit is necessary for either coalition to achieve dominance. The art of distancing oneself from the wild men is a subtle one however. Thus far it has been performed by both Mandela and De Klerk deploring all violence, suggesting that the other side started or provoked it, and signally failing to identify or discipline the culprits on their own side. Events in Natal provide graphic and gruesome examples of how the contest for political power and authority is being waged and how violence is used together with moral arguments in the contest.

"Faction fighting" has been a part of the Natal-Zululand scene for many decades — long before the birth of Inkatha or the rise of the U.D.F. -Cosatu alliance.

The violence is exacerbated by poverty and population growth, but the perpetuation of clan loyalties and residual land claims means that what in other, similarly deprived areas like the Cape Flats, Soweto or the peri-urban slums of Latin America erupt as gang fights for turf and racket control, in Zululand are articulated into the clan identity of everyone in the region.

At a more general level, it could probably be shown that over the past century or so the black residents of Natal have become divided between those who can claim ancient hereditary clan rights to their lands and territory, and those who have been dispossessed by colonial and gross apartheid demarcations.

Faction fights which stem from ancient quarrels, or from peri-urban overcrowding are readily appropriated by the political players and used, where possible, to their advantage. Local faction leaders, sensing access to weapons or overwhelming force, will claim support from the local Inkatha "war lord" or from the local "comrades"



according to their best judgement of their own interests, leaving their enemies little choice but to seek support or refuge from the other side.

The Pietermaritzburg "war" which erupted on March 27, last year, was the brutal culmination of this process of co-opting individual local squabbles into large scale political faction fights for turf control. As with the murderous exchanges which have occurred in Msinga for sixty years, each side has its explanation for who started it, and why it should have started on that particular day.

As Kentridge describes it (*Outlook*: May 1990), although Inkatha could only attract 8,000 people to its rally in Durban on March 25 (despite a generous donation to expenses from the Department of Foreign Affairs Anti-Sanctions fund), it could, presumably with the help from the same source, deliver "a force up to 12,000 men, many carrying guns and some even armed with sub-machine guns (which) attacked the same areas again and again". The Inkatha forces "were waging a massive, concerted and planned attack on non-Inkatha settlements in Vulindela and the Edenvale valley".

Remarkably, the "week of murder and pillage" by the 12,000 armed warriors left less than ninety dead — and the police estimate was considerably lower.

While this was clearly a very serious business, comparable to a bad day in an Indian general election campaign, the mortality rate does not suggest a well organised, heavily armed assault by 12,000 men for a week, let alone one which received aid from the professional security forces of the S.A.P. and S.A.D.F.

The numbers game is clearly one which demands interpretation. Reports which present very large numbers of warriors and casualties seize the headlines and from a distance may support important arguments about the wickedness of the organisers of the warriors and the people inflicting the casualties. In the contested areas, the impact may well be different as those who can allegedly organise and kill on this scale demand respect — they clearly have the power to coerce. Likewise, though people in distant places may be shocked at accounts of necklacing and the rough

treatment meted out to people who have ignored calls to consumer boycotts, the message is not lost on the township residents that the comrades are the law against which there is no appeal.

In general the A.N.C. coalition, being in opposition to the government (be it the National party one or the local Inkatha one) is able to criticise and promise without having to deliver. Inkatha, despite its subordinate position in the government structures, is vulnerable to criticism and is expected to deliver on promises. Its response has been to argue that most of Natal's recent troubles are due to unemployment brought about by the behaviour of its opponents through violence, industrial action and support for sanctions. The logic may be reasonable, but to the unemployed shanty dweller the promise of a job and a house after victory in the struggle is much more persuasive. The growth for the A.N.C. coalition has not occurred as it has done elsewhere, fairly evenly across the urban and peri-urban areas, with a succession of protests led by militant comrades, intimidated local councils and coercion backed by populist rhetoric, although the methods appear to have been much the same. Instead, the local authorities, rooted in Zulu culture in the KwaZulu region, have met fire with fire and the region has become a patchwork of fiefdoms, some controlled by groups of comrades claiming allegiance to the A.N.C. coalition and the struggle while others claim allegiance to Inkatha and Zulu cultural integrity. Boundaries are negotiated violently and accepted temporarily.

Elsewhere there has been less effective opposition to the A.N.C. coalition and in general communities have accepted the comrades instructions to boycott certain shops, stay away from work, attend gatherings or whatever else they are told to do.

The strategy of violence and intimidation has been successful to a degree in that the A.N.C. coalition now controls sufficient territory nation-wide and sufficient influence through the media to be able to present itself as a player to operate on equal terms with the National party government. The government has lost the moral battle which enabled it to control the country by the direct use of force by its security forces in the areas controlled by the A.N.C. coalition — the balance of terror has shifted in those areas and the people fear the comrades more than they fear the police. Its efforts



A mourner brandishes his shield as he carries the coffin of a victim of a bus massacre.



to work through other parts of its coalition, notably Inkatha, have appeared to be more of a holding operation than a viable long term strategy, but could be intended to keep the A.N.C. coalition off balance until people in the areas under A.N.C. coalition control are weary of boycott politics and the failure of the A.N.C. coalition to deliver anything of material benefit. The use of under-cover agents and proxies for this purpose is morally extremely risky as discovery is almost inevitable and damages the reputation and credibility of the National party coalition — leading to attrition to the right by those who want to fight openly and to the left by those who want to negotiate honestly.

The two coalitions now find themselves both mutually dependent and competing violently in order to strengthen their coercive power. The mutual dependence is based on their credibility to control an overwhelming proportion of physical force. If they should lose that credibility, their negotiating positions are fatally flawed and other power brokers will have to be accommodated.

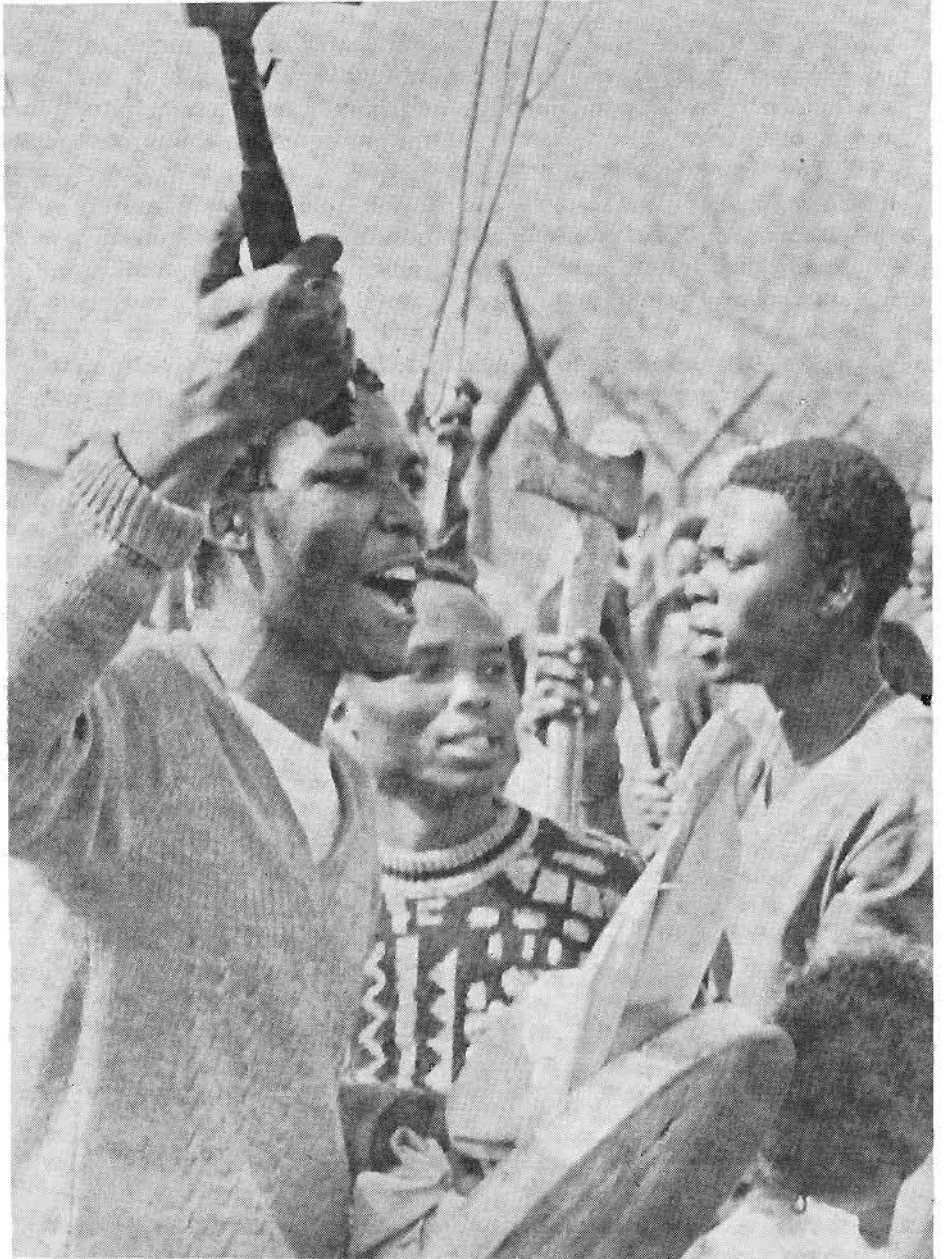
The only way that each can indicate its strength is through the display of force, winning a real contest here or there or demonstrating its coercive power in mass action.

Each must also be able to present a credible united front as a coalition and make it clear that it can control the radical elements in the areas that it effectively controls.

De Klerk is thus continually challenged to prove that he has the hard right under control, whether that element is in the security forces or in the Conservative party and its co-ideologues.

That challenge puts him in a very difficult situation. If he does have those elements under control, then he can (and should) sack or prosecute those responsible for violence stemming from the National party coalition side — which subverts his capacity to coerce the majority. If he does not have those elements under control, then he cannot claim a monopoly over the legitimate use of force, and a *de facto* coup has occurred which leaves him in no position to negotiate until the real leaders emerge.

The A.N.C. coalition is faced with a similar challenge, but enjoys more freedom of movement. As it does not claim to be the government over the areas which it, in fact, largely controls, it can deny responsibility for violence in them and even demand that the National party coalition eliminate the violence in



Youths armed with axes, spoiling for the fight.

them — by surrender rather than force. However, by denying responsibility for, or the ability to control violence directed against elements of the National party coalition (including but not exclusively government property and agents), the A.N.C. coalition is admitting that it does not command the authority or support necessary to make it one of the two equal parties to negotiation, and that others on its radical wing and beyond have real control of events.

Violence and the control of violence is thus the key both to understanding the political process and to its outcome.

The outcome does not turn on what you, or I, or we believe to be right or wrong, just or unjust, but on the manipulation of material resources (including guns) and moral arguments to achieve power over the opponent's areas of control; to consolidate authority over one's own coalition — especially one's own radical wing both in and out of the

coalition; and to bring the opposing coalition to the negotiating table weakened but intact.

Violence is an integral component of the South African culture as it is of most other cultures. The "gentle Tasadays" and the Arapesh of the world are almost invariably located beyond the reach of any but the most romantic anthropologists.

South Africans glory in their generals, their guerillas, their rugby players, even as they assert their dedication to the quest for peace. It is by unpacking that paradox or hypocrisy that we begin to understand the social process. ●

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Cultural weapons: Why lift the 99-year ban at peak of conflict?

CULTURAL weapons — what they are and whether they should be carried in public — have become an issue central to violence.

But what are these weapons and why the storm over the issue?

As far back as 1891, the carrying of assegais (spears), axes, knobkerries, sword sticks (intsumentshu), sticks shod with iron staff and sharp pointed sticks (ubnoku) by blacks in the Natal colony, was unlawful — unless one had written authorisation from the Administrator of Native Law (as he was then called), or one was a constable or engaged in public duty, hunting, or genuine night travelling.

These were the cultural weapons.

The official reason behind the ban was to reduce intra-ethnic conflict among the black people in Natal. However, it has been argued that the real reason was to minimize the chances of an uprising against the colonists by blacks.

The ban against these “cultural weapons” continued in one form or another despite fundamental developments in the country. The ban survived the establishment of Union in 1910, the formation of the Republic and the establishment of the homelands including the KwaZulu homeland in 1971. In fact, the ban was in force in Natal and KwaZulu until August, 1990. In August the Natal Code of Zulu Law, was passed by President F.W. de Klerk.

The effect of this law was to provide for the carrying of these weapons without authorisation from any person, for as long as the carrying was in accordance with Zulu usages, custom or religions.

The KwaZulu Legislative Assembly also passed a law in October 1990, to the same effect; the KwaZulu Amendment Act on the Code of Zulu Law. The KwaZulu law unlike the Natal law, lifted the ban unconditionally.

The reason put forward for lifting the ban was that they were an essential part of “Zulu culture, tradition or religion.” And the government in lifting the ban, was acknowledging this. The same reason was given by KwaZulu government, Inkatha (IFP) officials and was supported by some academics.

Professor O.I. Nxumalo, Zulu writer and head of the Department of Sociology of Education at the University of Zulu-

land, said a Zulu man would feel incomplete without his loin skirt (ibeshu), shield, spear and stick, though it is not clear to which Zulu man or which time period the learned professor was referring. The King of the Zulu's, King Goodwill Zwelithini, said the ban was an insult to the manhood of all Zulus.

Those condemning the lifting of the ban argued that this aspect of Zulu tradition was outdated and that not only Zulus carried the weapons: Xhosas, Sothos, and other black ethnic groups did so. Moreover, Afrikaners and other cultural groups, have similar cultural traditions. They too, should be allowed to carry their cultural weapons.

T.S. THIPANYANE, of the Centre for Criminal Justice at the University of Natal, traces the history of legal restrictions on the carrying of weapons in Natal.

One can imagine the chaos if every person was allowed to carry his or her cultural weapon in public and at any time as long as it is in accordance with that person's “culture, tradition or religion.”

The ANC and its allies claim that weapons have been used extensively in the political violence which since 1985, has claimed more than five thousand lives. And the call for a ban on carrying the weapons was one of the seven demands by ANC when it threatened to withdraw from negotiations.

The reaction of the government to the protests was quite interesting. Initially, the government stuck to its guns on grounds that the carrying of such weapons was a legitimate cultural activity of the Zulus. Later, however, it banned the carrying of all these weapons except spears and battle-axes. These were said to be an intrinsic part of Zulu culture. After more pressure the government ultimately banned the carrying of all weapons including spears and axes in designated unrest areas in the Transvaal.

The ANC and its allies, continued to press for a nation-wide ban.

In KwaZulu the KwaZulu government, supported by Inkatha, refused to heed the objections on the basis that the weapons were part of the Zulu culture, and that the call for the ban was a

propaganda ploy by the ANC. Inkatha officials even said that few deaths in the political violence had been caused by these weapons.

The issue is sensitive and it is now not easy for people to be objective and rational about it. Essentially, however, the question is not whether such weapons are cultural, but whether in the light of the prevailing conditions the law, which is there to protect and preserve society so that people can live and love and labour in peace from generation to generation, should allow them to be carried in public: lethal weapons, which have been used in the political violence with impunity.

The safety, comfort and well-being of a people, is the highest ideal and the highest law. Practices, be they cultural or non-cultural, which threaten the lives, comfort and well-being of a people should be prohibited by law. Public policy and public interest so require!

One need not go very far for examples. Take the consumption of alcohol. This can be regarded as a universal culture. Almost every culture on earth engages in this activity. However, all societies and communities have realised the harm it can cause if allowed to continue unabated. One can also mention laws controlling the use of firearms, which are also a part of some people's culture.

It becomes difficult therefore, to comprehend why the authorities have such difficulty in the matter.

It is imperative, that they be banned in public, especially at political rallies. Their use should be strictly limited to such cultural activities where there is no likelihood of their being used as instruments of death.

One also fails to understand why the ban was lifted by both the South African and KwaZulu governments last year, during the peak of the violence and more so, after almost a hundred years of being in effect.

Dicey, the noted British constitutional lawyer, observed that “men legislate not in accordance with their opinion as to what is good law, but in accordance with their interest.”

One can only wonder what interest our law makers were serving when they lifted the ban at the peak of the political violence. ●

WITH the change in attitude of the ruling National Party towards race relations has come a marked softening of black antagonism towards Afrikaans — seen by many at the height of the struggle against apartheid as “the language of oppression”. ANTHONY HEARD, former Editor of the Cape Times, examines the significance of this change, particularly in its possible influence on cultural relations between the Netherlands and South Africa.

A BRIGHTER FUTURE

IN the past year or so, there have been dramatic breakthroughs for Afrikaans.

These were marked, for instance, by rapprochement between Afrikaans writers and the African National Congress: a visit by State President F. W. de Klerk to the Netherlands last October; bold moves in the Dutch Parliament, once strongly opposed to South Africa because of apartheid, to lead Europe in relaxing sanctions against Pretoria; the award of the premier Netherlands literary prize to a South African who writes poetry in Afrikaans. The list grows by the day.

It is obvious that a major cultural shift is under way, with implications for the Nederlands and Afrikaans languages, the book, magazine, and other trades — and business generally, not to mention politics and diplomacy.

A superficial assessment of what is under way is to believe that there will be a return to the Dutch-Afrikaner links of the days before apartheid was codified, which sundered cultural and other relations. On this reading, the wayward but now reformed Afrikaners will go back to the bosom of their “stamland”. That is, many believe, wishful thinking.

A different scenario can be expected. A democratizing South Africa, throwing off the apartheid repression which was particularly embarrassing to the Dutch, will establish links of a far wider and more durable nature.

There is no doubt that the Dutch, if they grab the opportunity, can — through their affinity to Afrikaans, which is spoken by millions of blacks as well as whites — forge lasting links with the total South African community. That means links with non-racial democracy, not apartheid repression or any modern refinements or aliases.

There are obvious long-term benefits in store for a trading nation like the Netherlands if such things happen.

The point has not been lost on the Dutch, it seems. Witness, for instance, the statement to Parliament by Foreign Minister Van den Broek on March 18, and also a letter he wrote on December 21, in effect making clear that detente was aimed at the whole South African population. Officially, at least, the Dutch are committed to doing nothing which will imply approval of the old apartheid era. That is very sensible.

There are obviously people in the

Dutch and white South African communities, mainly of the conservative or, indeed, reactionary persuasion, who would seek an exclusive relationship — to the exclusion, that is, of South African blacks (or at least militant blacks, many of whom are fluent and versatile in Afrikaans).

University feelers were put out from the Netherlands to certain universities in South Africa which gave the impression of favouring the “old” relationship and not the “new” one.

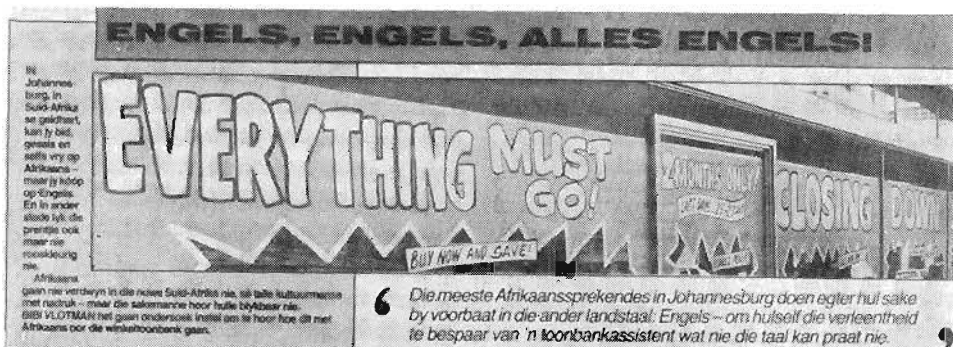
President De Klerk has shown himself to be conscious, at least to a degree, of the need for a comprehensive future relationship, on the part of all South Africans, with the Dutch and their language.

Speaking at the Nederlandse Klub in Cape Town in May he showed an Afrikaner’s understandable delight at the “rediscovery of old friends and family members”. He went on to remind his audience that “Afrikaans is not a language spoken only by two and a half million white South Africans, but is also spoken by millions of black people and the biggest part of the coloured population.”

The logic of De Klerk’s acknowledgement is that far more “non-white” South Africans, in the long run, will be involved in rapprochement with the Nederlands language than whites.

He listed eight spheres of “positive change”:

1. Decisions of the Dutch government and parliament ending years of isolation of South Africa and polarization, and particularly the end of the Netherlands economic and general boycott of South Africa;
2. university contacts and consultations, including exchange visits by rectors;
3. student and private youth exchanges;
4. renewed Dutch interest in trade and investment — some disinvested



Afrikaner sensitivity over the predominance of English as the language of the business centres in the country is reflected by this article in a recent issue of *Rapport*. “English, English, everything English!” proclaims the headline to the illustration. The headline of the article itself declares: “Afrikaners dig their own (language) grave”.

companies putting out feelers to return; 5. greater interest in tourism; 6. Dutch music and choral groups planning to visit; 7. cultural bonds, based on the "stamland" and "taalwortel" principle, being resumed — and he mentioned the P.C. Hooft prize recently given to Elisabeth Eybers and an invitation to the South African representative in the Hague to become involved in the Nederlandse Taalunie; 8. what he termed "positive" appreciation in Dutch church circles for the reform initiatives in South Africa.

However, one might take issue with some of De Klerk's statements — for instance, his failure to see that the partisan and high-handed way his government is going about its policing and security business is still strongly criticized in church and other quarters, and his tendency to emphasize "kith and kin" factors in relations with the Nederlands.

De Klerk is unique among Nationalist leaders in having some justification for his optimism. But only to the extent that he can earn black support for his controversial security measures, and above all nurture a truly democratic culture in South Africa, can De Klerk maintain the momentum of changed perceptions, at home and abroad.

Two recognized anti-apartheid figures from the Western Cape have, in interviews with me, stressed the need for changed relationships to take place in the "new" and not the "old" South African context.

Dr Allan Boesak, former president of the World Alliance of Reformed Churches who was awarded his doctorate in the Netherlands and who is gravitating towards a political role in the African National Congress, said: "There is no way that there will be a resumption of cultural and linguistic contact between Netherlanders and white Afrikaners only. The links will be with the whole South African community, including the millions of blacks who speak and use the Afrikaans language.

"Afrikaans is not the possession of white Afrikaners. Their use of the language — eg. in the universities, the church, the bureaucracy, the law and the security forces — can be a very limiting version of Afrikaans, very formal and "correct"; not the living language spoken so spontaneously by millions of blacks, who borrow unselfconsciously from other languages in a remarkably expressive way."

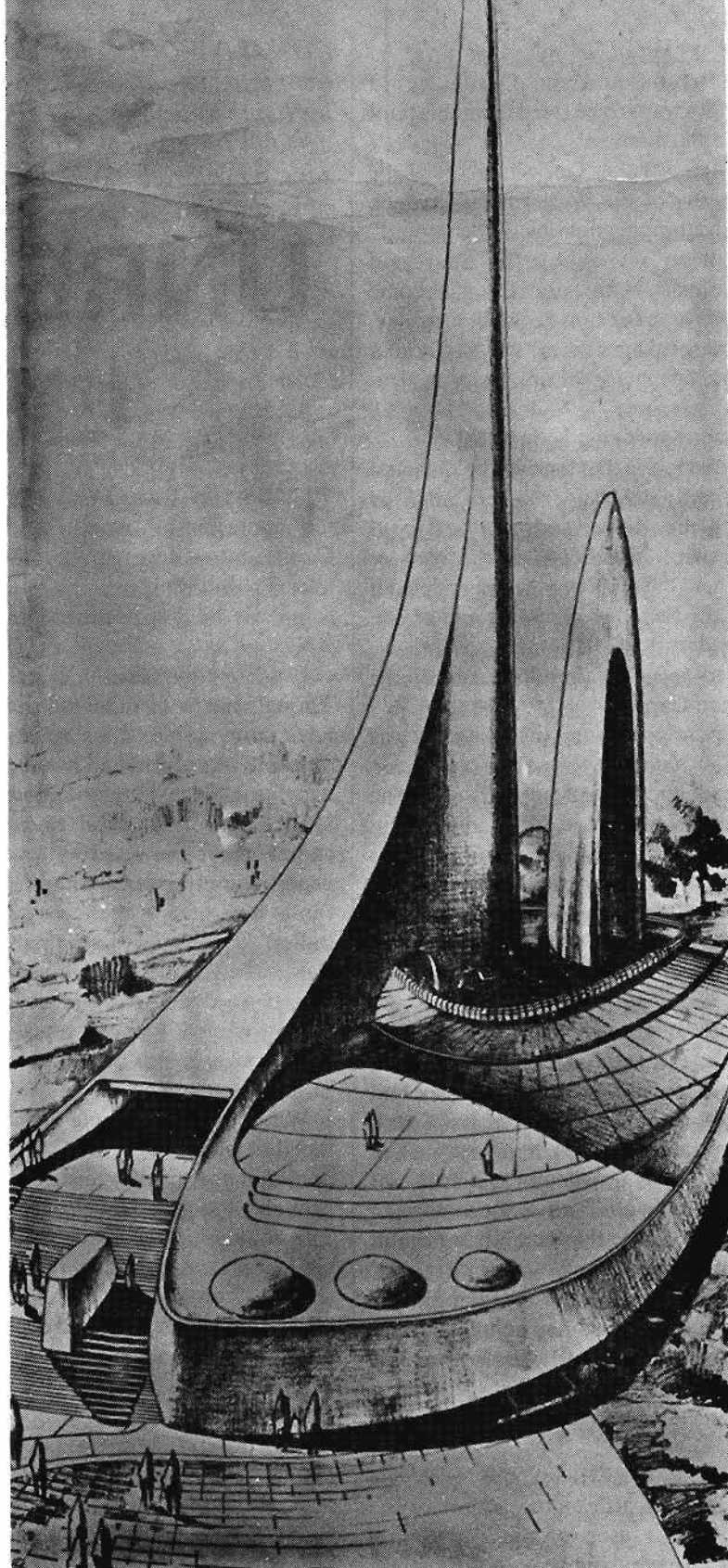
Boesak noted that the first written Afrikaans was a translation of the Koran

by a Moslem leader many years ago, and not the work of a white South African.

Boesak did not see how Nederlands could be desperate to fund a "reinforcement" in the shape of Afrikaans, on grounds of language decline caused by loss of colonial empire and the dominance of other languages in Europe — as Afrikaner journalists have suggested here.

The only sense in which the Dutch needed to be closer to Afrikaans, he

argued, was on the basis of releasing Afrikaans from the role of "language of the oppressor", which had been a severe embarrassment to the Dutch because of its involvement with apartheid and repression. By contrast, he said, Nederlands was a language of freedom and resistance to oppression — like Dutch society itself. It had taken a Nederlands word, "apartheid", to earn world-wide



An artist's impression of the Taal monument near Paarl.



opprobrium, and the Dutch would naturally want to be freed from this taint and embarrassment.

Professor Jakes Gerwel, rector of the University of the Western Cape (which — with ethnic beginnings as a “coloured” institution set up by the apartheid government — has, under him, become a main force for non-racial democracy.. said the broken cultural ties had been a matter of debate at the university particularly because UWC had a large Afrikaans-speaking component.

The very idea that renewed links should cover only white Afrikaners and the Dutch he dismissed as “cultural narcissism” which lay at the root of apartheid. “This is why we appreciated it when the Dutch government and nation suspended that relationship, even if we were to suffer at the University of the Western Cape.”

He pointed out that his university was alone in having a formal resolution on the academic boycott, supporting it. The document, ratified in 1987, admitted to being in an “ambivalent position” in the debate on academic exchanges; and only supported exchanges if such scholars showed solidarity with the university’s commitment to the struggle for a non-racial democracy.

Professor Gerwel said that, within this framework, some Dutch universities, such as Utrecht (which previously had links with more conservative South African universities) had established links with his university; which meant links with the alternative South Africa.

He noted that the Dutch had been in the forefront of the boycott movement and, now that things were changing, it was hoped that resumed contacts would not be within the “old” white framework. The Germans did not merely have cultural relations with people of German extraction in South Africa. There was no reason why the Dutch should pick out one group for attention.

On the position of the Nederlands language, he said it was naturally interesting for the Dutch people to retain a relationship with Afrikaans which was so similar to Nederlands. But the Dutch had no global aspirations for their language based on a “moederland” concept; there was no language imperialism. The language was a living one, in a sense a polyglot, and not desperate for allies.

Gerwel says Nederlands should not be seen in the “moederland” sense. The true moederland of Afrikaans is other South African languages. ●

DONALD WOODS, former Editor of the East London DAILY DISPATCH went into exile after being banned by Justice Minister Jimmy Kruger. From his home in Britain he continued his campaign against apartheid, winning acclaim for his book Cry Freedom on the life of Steve Biko. There is, he says, no contradiction in being both a friend of the ANC and an

UNREPENTANT LIBERAL

THIS year I was honoured with an invitation by the African National Congress to address its Freedom Day event in London, and made the point that I was doing so both as a friend of the ANC and as an unrepentant liberal.

I see no contradiction in being both. Though not a member of the ANC I have long admired its most positive elements — durability down the years as vanguard of the decades-long campaign against apartheid; commitment to non-racial multi-party democracy and generous outreach to whites — unlike those who preach the “one-settler-one bullet” line. And as I see these positive elements of democratic policy increasingly enshrined in ANC policy I become more inclined to contemplate voting ANC once South Africa becomes a proper democracy.

We liberals have long regretted the fact that whites in the ANC tended to be predominantly communists, though this probably happened by our own default. The communists at least were the first whites to stand up and cast their lot with the ANC on the African nationalists’ own terms, which is why old campaigners like Joe Slovo have a credibility among many blacks that could never easily be matched by that of other whites.

Communist countries, too, were among the first on the international scene to help the ANC, though thanks mainly to Nigeria the non-communist countries of Africa have been steadfast throughout in this regard.

As a liberal I regret that the Western democracies took so long to render practical humanitarian aid, though as a liberal, I am glad that countries like Sweden, Norway, Denmark and Holland in particular over the long haul, contributed far more to the ANC than the Soviets and their satellites ever did. And I am glad, too, that it was a Western country, the United States, that finally applied the most significant economic pressure to end apartheid.

In the long run communist aid was always niggardly — never enough to make a real difference — whereas Western aid was decisive. In financial terms alone Sweden contributed something like nine times more to the ANC than the Soviets and Eastern bloc ever did.

Possibly because of these considerations and possibly because of the calmer realisations that tend to surface once the crisis point of a resistance movement is passed, we are hearing less these days of “the white liberals” in a pejorative sense, and this is to be welcomed.

Although I have had strong disagreements down the years with liberal friends such as Helen Suzman and the late Alan Paton over the issue of economic sanctions, it would be a gross denial of justice to downplay the massive contribution made by these two giants of the anti-apartheid campaign.

Paton blew the whistle on apartheid

Alan Paton was to me and, I believe, to many others, the most important influence in liberal terms to whites not only in South Africa but all over the world. Through his masterpiece “Cry, the Beloved Country” he blew the whistle on apartheid with a lasting blast never matched in the international arena. That one book alone had a permanent effect which persevered to contribute its weight to the crescendo of international repugnance that finally caused the United States and the European Community to pull the economic plug on apartheid to an extent which will probably only be fully realised when historical researches of the period are complete.

Politics never was Alan Paton’s prime concern. He was first and foremost, like Abraham Lincoln, a very great writer of English prose. His second novel, “Too late the Phalarope”, was in a structural

‘The notion that a small handful of people know better than the masses what is good for those masses, is inherently tyrannical . . .’

and literary sense an even greater work than “Cry, the Beloved Country”. But it was the latter that clicked abroad and shook apartheid to its foundations as much as “Uncle Tom’s Cabin” had doomed slavery. Each of these two books proved to be a moral time bomb that ticked away until the prime political powers got the general electoral message.

Helen Suzman’s greatest achievements were in the day-after-day, month-after-month, year-after-year hammering away at the human injustices of the apartheid system, with parliamentary skill, with courage, but above all with persistence and constancy.

In both cases, Paton’s and Suzman’s, the bulk of their achievement was in upholding liberal values, as other South Africans have done in varying degrees and with varying emphases, and in the honour roll of the great white liberals (an irony, since all abhorred racial categorisation) must be included such names as Edgar Brooks, Peter Brown, Patrick Duncan, Randolph Vigne and many others of lesser fame but no less commitment to liberal values.

What are these values?

They are dedication to democracy, promotion of individual liberty, insistence on juridical fairness, social concern and generosity of political outlook.

They imply implacable hostility to tyranny, whether of the Right or Left, and a rejection of all enforced conformity that stunts legitimate individual development.

It goes therefore without further statement that liberals oppose racism and fascism.

What perhaps needs to be restated is liberal rejection of unbridled capitalism on the one hand and unbridled socialism on the other.

Most liberal societies, as in most European democracies, are agreed that capitalism can flourish healthily without being given unrestricted licence to indulge greed and exploitation, such tendencies being kept in check by anti-monopolist and other industrial and commercial legislation.

Most liberal societies agree also on the need for a minimum measure of social democracy. Indeed, it was liberals who introduced the concept of the pension in

Britain and to the world. Today, however, advanced liberal societies accept also that no citizen should go without medical treatment, health care or education because of economic disadvantage, and this is a welcome legacy of social democracy.

Communism is something else.

Initially motivated by a theory of concern for the human condition, communism soon contradicted this concern by attacking the very basis of human development — free will. The notion that a small handful of people know better than the masses what is good for those masses is inherently tyrannical, as well as antithetical to the liberal belief that with complete freedom of and access to information human beings generally will ultimately act in their best interests, and are best motivated when best informed.

How communists could manifest concern for, say, the victims of apartheid, while condoning the enslavement of millions in the Soviet Union and other countries, was clear evidence that tunnel vision through the narrowest of Marxist analyses led only to political and moral blindness.

And the evidence of the past few decades illustrates also that economic redistribution of few resources, without the generation of new resources, leads inexorably to the spreading of misery and poverty.

We whites should learn to know our place and, as democrats, to throw our support behind the democratically chosen and democratically motivated leaders of the black majority.

Those who preach doctrinaire socialism as an answer to South Africa’s problems are misleading their followers as certainly as those who preach doctrinaire capitalism. South Africa is going to need a judicious blend of the best of both systems backed by an informed and motivated electorate, and massive state intervention in the economy will be an absolute necessity, as in Franklin Roosevelt’s New Deal, with special reference to housing and education.

And the best framework for these things to happen will be that of a liberal democracy.

That, in essence, is why I am an unrepentant liberal — because liberal values have generally proved to provide the best balance of solutions for the most people.

Given the imperfections of human nature, democracy is an imperfect system — but as Winston Churchill said, all others are worse. Democracy on its own cannot solve problems — but it is the only moral prerequisite to the process of possible solutions. There are no short cuts through it and no nation can progress without it. Nor can democracy be diluted. To work properly it has to be total. You cannot, for example, have a one-party democracy, a contradiction in terms since democracy precludes any prohibition or circumscription of legitimate political formations.

But another reason why I am a liberal is because of the outstanding example of liberals in South Africa who opposed tyranny when it was dangerous to do so, and when the “white liberals” as members of a privileged class had nothing to gain and all to lose.

As a white liberal South African journalist, finally, I am also proud to be associated with the many white liberal South African journalists down the years who stuck their necks out despite threats to their lives and families, who published the facts without fear or prejudice to friend or foe, and whose tradition of integrity is being maintained today by an impressive batch of younger journalists typified by those of the *Weekly Mail* and *Vrye Weekblad* who are more concerned about printing the truth than about treading on sensitive political toes.

The time has long been overdue in South Africa when we whites should learn to know our place, and as democrats to throw our support behind the democratically chosen and democratically motivated leaders of the black majority.

But in the process let us not forget the best of the liberal traditions bequeathed to us, because they also constitute the best contribution we can make to the new South Africa. ●

A GIFT
WHICH
HELPS TO
BRING THE
OUTSIDE
INSIDE



Tladi calls this "Dance of the third creation"

Breaking down barriers

— BOOK REVIEW BY COLIN GARDNER

ONE of the many forms of apartheid that are beginning to dissolve is the one which has divided those who have stayed inside the country from those who have been living elsewhere. The exiles have started to return — one is very conscious of the high-profile political leaders — but of course most of those who have been living abroad are still there.

Many South African exiles are talented

people. In the realm of culture (literature, music, the fine arts) the division of labour and talents between those in exile and those inside, sharpened as it has been both by state censorship and by the cultural boycott, has been almost complete. To take a striking instance: for a quarter of a century many people in Europe and the USA have correctly recognised as one of South Africa's very finest poets a person whose work has

only just become publishable here — Dennis Brutus.

Stronger Souls is a volume to be welcomed because it so obviously represents a breaking-down of the barriers between outsiders and insiders. It is published in Cape Town, but the writer is Vusi Mchunu, who went into exile in Botswana in 1976 and has worked mainly as a cultural activist in Europe (particularly Germany), and the artist is Lefifi Tladi, who left the country at the same time as Mchunu and now lives in Sweden and has held exhibitions in many European cities. An introduction is contributed by Dennis Brutus himself.

What is the book like? It is thin (60 pages), beautifully produced (one wonders if there isn't a donor or sponsor somewhere in the wings) and enjoyably thought-provoking.

Tladi's graphics in bright pure colours are very impressive. Employing a style which is both African and modernist — almost as if Africa has learned again from Matisse what it originally taught him — he has achieved a subtle combination of vigorous movement and classical calm. One has a sense of Tladi creating in Sweden, looking back across at South African passions and aspirations with a mixture of commitment and detachment.

In Mchunu's writing one is more conscious of the commitment, of restless



"Between us"

energy. In his essays — most of which are addresses delivered to cultural groups in Germany — he covers a wide range of subjects, sometimes mixing biography with criticism and with aesthetic and social theorising. His poems are a little uneven. A few of them are short personal lyrics — touching but not very memorable — but most of them are directly related to the struggle for liberation. (No harm in that, by the way: a large part of the world's store of art has been associated with struggle or dedication of some sort.) Several of the poems are praise songs to cultural or political heroes. Some of them don't quite achieve a full poetic resonance; they seem to be partly trapped inside the facts which brought them to birth. But the more successful ones do manage to give the *izibongo* form a new lease of life. A poem addressed to the newly independent Namibia, for example, is both praise and litany:

O Mother of mothers
Mother Namibia
Source
Root
Spring
Precious one
Keeper of our navel string
Cool shade on the sands
Warm current on the seashore
Treasured one
it is us
it were us
who emerged from the reed
who floated on the lilies of the
swamps
who ride the back of the Kunene
who crush Mopani thorns under our
soles
us
your desperate offspring
we season special meat for you
we chant Morenga! Witbooi!
we patiently perform the rites as it
should be
we sit facing Christian shrines
we sob in silent meditation
we invoke the freedom fighting
Lamb
as it should be
still serrated chains sever our wrists
bare ribs howl in the desert wind . . .

The book concludes with an interesting conversation between Vusi Mchunu and Lefifi Tladi, recorded in Stockholm in 1987.

Stronger Souls is a fascinating pot-pourri, a serious mixture of tones and urgencies, a gift from the outside — or rather, a gift which helps to bring the outside inside.

FW must have known of secret funding

PRESIDENT F.W. de Klerk could not have been telling the truth when he told me at his Libertas Press conference that he was unaware of the Government's secret payments to Inkatha and Uwusa until the Weekly Mail disclosed them on July 19.

Nor did he give an adequate reply when I asked whether he had been aware, as State-President, that his government was violating an international agreement by secretly funding anti-Swapo parties during the Namibian election campaign.

It is "Mr Integrity's" failure to come clean on these two issues that raises serious doubts about his government's ability to be an impartial referee of the transition process, and which gives weight to the ANC's demand for an "interim government of national unity."

ALLISTER SPARKS CHALLENGES DE KLERK ON INKATHA PAYMENTS

In reply to the first part of my question, whether he knew about the payments to Inkatha and Uwusa before the Weekly Mail report appeared, President De Klerk's denial was categorical: "As the Ministers involved have stated publicly, and as I believe the Minister of Finance has stated publicly (immediately before the press conference), I was not aware until it was disclosed. And the procedures prevalent did not require me to know."

Yet Mr De Klerk's own speech that very evening (July 30) shows this cannot be true. "I remind you", he said, "of my speech in Parliament on March 1, 1990, when I disclosed information about an investigation of secret projects which I had instituted in November 1989.

'As a result of it, numerous secret projects were cancelled. Uwusa is an example . . .'

So by his own account he knew about the Uwusa part of the scandal!

And since he instituted the investigation in November 1989, it must at least have included a report of the first R100,000 payment to Inkatha made on November 5, 1989.

We don't know when the investigation was completed, only that the President said in his speech to Parliament on March 1, 1990, that "a report on this investigation is expected soon". If it reached him more than two weeks after that, it must also have listed the second payment to Inkatha of R120,000 made on March 15.

What is more, President De Klerk made it clear in that speech to Parliament that the report, when it was received, "would be submitted also to hon members of the Cabinet."

So they all knew.

President de Klerk also told Parliament: "I believe that covert actions should be limited to the absolutely essential minimum. I shall see to this as soon as the inquiry I have ordered has been completed."

Two weeks later the second big payment to Inkatha was made for its King's Park rally. Does that mean it was considered part of an "absolutely essential minimum" category of projects — and if so what price President De Klerk's assurances now that secret projects are to be cut to a minimum.

The President's reply to my Namibian question was equally disturbing.

The question was: "Were you, as State President or as Acting State-President, aware that your Government was secretly funding anti-Swapo parties during the Namibian election campaign in violation of the New York Agreement that the Government had signed on July 20, 1988, which set out the principles for a peaceful settlement in Namibia that included a pledge of non-interference and to ensure that free and fair elections were held?"

De Klerk deliberately obscured the issue by focussing on when the agreement was signed, not when the election was





F.W. de Klerk

held, so ducking the question of his responsibility for what happened while he was President.

"With regard to Namibia," he said, "it was not my line function, but, yes, I was aware as a senior member of Cabinet that monies were expended there to assist parties to participate in the election, as Swapo has been assisted financially, and royally, from across the world.

"Apparently in international ethics there is nothing wrong with governments, if they support the principles of a party and if they think it is in the best interests of their own country, to support financially parties outside their borders."

President De Klerk went on to cite foreign aid paid to the ANC and American aid to various foreign parties, especially in Nicaragua — concluding that South Africa had the same right and there was nothing wrong "in principle" with its aid to the anti-Swapo parties.

What was grossly wrong, both "in principle" and in "international ethics", is that South Africa violated an international agreement in doing this.

What is more, this violation appears to have taken place under President De Klerk's stewardship.

It is true he was only a senior Cabinet Minister and not directly responsible for Namibia when the New York Agreement was signed. But he was Acting President and President when the violation occurred.

De Klerk became Acting President in August 1989. That was the month the Namibian election campaigning got fully under way. Sam Nujoma returned home on September 14. Polling was in November.

So for three months while De Klerk was no longer just a senior Cabinet Minister but the man in charge, carrying full responsibility, South Africa was aiding the anti-Swapo parties in violation of the international agreement it had signed 13 months before setting out the Principles for a Peaceful Settlement in Namibia.

These principles, together with Security Council Resolution 435 which the Government had also accepted, bound South Africa to work with the United Nations to ensure that "free and fair" pre-independence elections were held in Namibia and to "abstain from any action" which could prevent that from happening.

In other words South Africa undertook to be a joint referee with the United Nations of the Namibian independence process.

For President De Klerk to say now that he can see nothing wrong "in principle" with a referee providing secret aid to one side in the game he is supposed to be officiating, that it is all the same as American aid to Nicaragua, reveals a dismal understanding of a referee's role.

Which is why there has been such a collapse of confidence in his assurance that he wants to bring about "an equal political playing field" in the country.

When he was installed as State-President on September 20, 1989, Mr De Klerk singled out five critical areas for his attention — the first being to "bridge the gap of mistrust" obstructing peace negotiations.

Yet even as he uttered those words, De Klerk knew his government was violating the trust placed in it in the Namibian peace process — and that if found out it would widen the gap of mistrust catastrophically.

Why did he allow it?

Major Nico Basson, the whistle-blower on the Defence Force's anti-Swapo campaign during the Namibian election, claims the whole Namibian exercise, codenamed "Operation Agree", was a trial run for a similar but more elaborate campaign to destabilise the ANC and enable the National Party and its black ethnic allies (South Africa's DTA) to win the first post-apartheid elections here.

He claims a National Party study group went to Namibia after the elections to examine the effectiveness of the campaign, reported back favourably to the Cabinet's first *bosberaad*, and that this formed the strategic thinking behind President De Klerk's famous February 2, 1990, speech.

I am reluctant to believe this. The implications are too terrible. But the onus is on President De Klerk to re-establish confidence in the transition process, and the only way is to accept the demand for a visibly even-handed "interim government of national unity."

Let's hope all liberals can get off their fence and add to the pressure for that.

AFRICA TO ITS

COLIN LEGUM

sees present upheavals on continent as encouraging

NOT since the time of the culminating challenge to colonialism, from the late 1940s to the early 1960s, has the African continent experienced the destabilising turbulence which is sweeping it from Cape to Cairo, and from Madagascar to Algeria.

For a change, this turbulence is both healthy and welcome because it marks the beginning of a serious challenge to non-democratic political systems.

If the first African liberation was a struggle against alien rule by the colonial powers, the second African liberation is a struggle against indigenous rulers, mostly the first generation of post-independence leaders.

Their claims that single-party systems were the best way of averting damaging tribal conflicts and giving the newly-independent states a chance to secure political stability and economic development have, for the greater part, proved to be a failure, and in most cases, though not all, these failures have led to an incremental increase in denials of human rights and basic freedoms.

The cup of discontent has now flowed over into an irresistible tide of opposition which has already resulted this year in the overthrow of Mengistu Haile Mariam in Ethiopia, Moussa Traore in Mali, Matthieu Kerekou in Benin, Siad Barre in Somalia, Aristides Pereira in Cape Verde, Dr Manuel de Costa in Sao Tome and Principe, and Denis Sassou-Nguesso in the Congo.

This is only the beginning. Already other rulers are engaged in fighting rearguard actions — Didier Ratsiraka in Madagascar, Sese Seko Mobutu in Zaire, Kenneth Kaunda in Zambia, Andre Kolibga in the Central African Republic, Paul Biya in Cameroon, Omar Bongo in Gabon, Gnassingbe Eyadema of Togo, and even the redoubtable Felix

FACES SERIOUS CHALLENGE NON-DEMOCRATIC SYSTEMS

Houphouet-Boigny in the Ivory Coast. Others, too, are under pressure though not yet under immediate threat — notably Daniel Moi in Kenya, Kamuzu Banda in Malawi, and the faction of military officers in Lesotho.

This upsurge of a democratic revolt is generally linked to developments in Eastern Europe which, it is suggested, triggered off the demand for change in Africa; while others, like Moi, insist that it has been fueled from outside the continent by 'the West'.

While there is a kernel of truth in both suggestions, they obscure the reality that the democratic protest movement reflects genuine, home-grown African demands and desires. The seeds of burgeoning discontent showed their first shoots several years before the collapse of East European Communism and at a time when virtually all Western governments were still staunchly supporting the authoritarian regimes in Africa.

Multi-party system is only one facet

The battlecry of the Second Liberation Movement is multi-partyism, reflecting a demand for political plurality which is identified as the cornerstone of democracy. But while a multi-party political system is an essential ingredient of democracy, it is only one facet of a democratic society. It is possible to have a multiplicity of parties and still to retain an undemocratic society.

There are two dangers in the present situation. The first is that in countries where regimes have conceded the right to opposition parties to exist, the immediate result has been to increase instability to the point where the *status quo* regimes are able to argue that by concentrating on multi-partyism they are being led into agreements with the old regimes that offer no guarantee of the birth of a viable democratic system.

It is important, therefore, that those engaged in the struggle for democracy should be clear about the criteria for the achievement of a democratic society. These are:

First and foremost, that a new democratic constitution should be freely

negotiated among the leading political forces in a country — as is envisaged in South Africa and has, so far, been achieved only in Benin and the Congo. It is vital that a new constitution should have legitimacy through its acceptance by a majority of citizens.

Second, that freedom of political association should be guaranteed through such provisions as free and fair elections based on a universal franchise.

Third, that political freedom should include not only political parties but all social organisations, including the often unpopular pressure groups representing particularist interests.

Fourth, that there should be a clear separation of powers between the Executive (the government), the Legislature (parliament), the Judiciary, and the Administration (the civil service).

Fifth, that access to the courts should be available to all; this includes the right of *habeas corpus*.

Sixth, that the army and other security forces should be free of political control and should be neutral.

Seventh, that freedom of Press should be enshrined, along with freedom of expression and of movement.

Eighth, that trade unions should be free and independent of government.

Ninth, that academic freedom should be guaranteed to universities and other institutions of higher education.

Tenth, that a Charter of Human Rights should be an entrenched part of the constitution, and, preferably, be justiciable by the right of appeals against abuses of human rights to a Supreme Court.

It is only when these ten criteria are fully met in a constitution that there can be any guarantee of the minimum conditions of a fully-fledged democratic society.

There is also the need — not achievable through legislation — for the growth of a democratic tradition whereby citizens will *feel* that they are properly governed, will freely submit to laws, and respond to actions perceived as infringing on democratic practices. This is the very basis of a democratic ethic; but this takes time to develop. In the words of Julius Nyerere, "democracy is a habit", and habits are not formed overnight.

Finally, there is the overarching question whether democracy can take proper root under conditions of poverty and the absence of economic growth. Poverty and serious economic disadvantage breed frustration, and frustration encourages irresponsible behaviour and extremism.

Since the present condition of much of Africa is poverty and a serious lack of economic growth, it could be argued that democratic ideas fall on stony ground. Yet this is not necessarily true.

Democracy essential for escape from poverty trap

It has been acknowledged by the Organisation of African Unity that the absence of democracy has been a major cause of the failure to promote economic development and of the misuse of resources. Democracy, therefore, is an essential condition for economic growth. But such growth is no guarantee of contentment. What is required is growth and a more equitable distribution of available economic resources.

Recent research shows growth in industrialised countries to be a function of the degree of equality — not inequality — of incomes. Japan's economy has grown most consistently fast in the past 25 years, and it has the lowest ratio between top and bottom incomes. The same is true in Scandinavian countries.

Ordinary common sense dictates that an economy cannot develop when a large or growing proportion of its people cannot afford health care, education, decent shelter and everything else that makes for a productive population.

Widening the gap between top and bottom incomes is a recipe for stagnation; reducing the gap promotes growth in a market economy. Equity and growth go together; this can be assured only in a country where governments are properly accountable to a majority of the electorate.

It is only when Africans are democratically governed that there is a reasonable prospect of their escaping from the poverty trap.

There's agreement on the principle
but major issues still need settling . . .
and the details should not be left to the politicians

SECURING RIGHTS FOR THE INDIVIDUAL

A BILL of rights is an essential feature of any liberal democracy.

It safeguards all members of society from the possible tyranny of majoritarian government by ensuring that fundamental human rights and freedoms are protected in an independent and objective manner by the courts.

It is for this reason that the fact that the introduction of a fully justiciable bill of rights is supported by major players in a future South African political scenario is to be welcomed by all who wish to see the country transformed into a just and truly democratic society. However, just because major political players indicate that they support a bill of rights it does not mean those who are concerned about the future political dispensation can now simply relax and leave the question over to politicians.

It is for this reason that the Liberal Democratic Association convened a conference to deal with certain aspects of implementing such a bill.

The conference focussed on two particular aspects:

- On the practical aspects of implementation of a bill of rights — How a bill of rights was to be drafted? Who was responsible for drafting it? How and when should such a bill be implemented? Should there be an interim bill of rights to see the country through the transitional phase?

- On developments overseas — This was important because among South Africans the issues tend to be emotive and parties look for motives and hidden agendas in each others viewpoints. For instance, many black people question why whites should suddenly become interested in a bill of rights now that black majority rule is just around the corner. They suspect that this could be to preserve the status quo. It is also important to move away from the perception that the situation in South Africa is totally unique.

The conference got off to a good start when Professor Jeffrey Jowell, of the

University College London, laid the foundation by examining the role a bill of rights plays in a democracy.

This is important in a South African context since there is a perception among some in the community that a bill of rights could have the effect of impeding the majority will.

M.G. COWLING, senior lecturer in Law at Natal University, reports on the Liberal Democratic Association's conference on a Bill of Rights.

Professor Jowell pointed out that democracy is something more than majoritarianism. It implies participation of all members of society in the various aspects of government at all times — not only at elections. To this end freedom of speech and assembly (in the form of the freedom to disagree with and criticise the government of the day) are vital components of a true democracy. Hence they must be protected from the majority in order to preserve the essence of democracy.

Both Professor Jowell and Professor James Cornford (from the Institute of Public Policy Research in London) stressed the need to limit the powers of a democratically elected legislature in order to protect fundamental human rights for all. This raised the problem of conferring upon unelected judges the power to test legislation.

They drew on the British experience to show that although Britain had managed to develop a human rights culture without a bill of rights, human rights protection had gone into something of a decline in recent times. This was because Britain was no longer as racially homogenous as it used to be as well as because of the rise of modern terrorism: For this reason the Institute of Public Policy Research was proposing a bill of rights for the United

Kingdom.

However, it is one thing to champion the protection of fundamental human rights over majoritarianism. It is quite another to ensure that the majority supports and accepts the idea.

The question of legitimacy of a bill of rights was addressed by Professor Denis Davis, the director of the Centre for Applied Legal Studies at Wits. He said such a bill must articulate the moral values of society otherwise it would fail. It was conceded that this would be a difficult task in South Africa which did not have a deep tradition of a human rights culture.

He pointed to other problem areas regarding legitimacy: On the one hand liberalism had always remained as part of the political discourse but many were now latching onto it for different reasons. For example, the government supported the concept of a bill of rights out of fear and distrust of majority rule. On the other hand it was essential that the legacy of apartheid be addressed and a bill of rights could only play a limited role in this respect. There would have to be a balance between majoritarianism and a bill of rights since reliance on either the State or the market would prove inadequate.

Professor Marinus Wiechers (of Unisa) who took part in the Namibian constitutional negotiations and was also responsible for drafting the Bophuthatswana bill of rights, said, South Africans should not shy away from copying other documents. There were scores of bills of rights in existence and recourse should be had to them. He cited as an example the fact that the principles embodied in the Universal Declaration of Human Rights served as a precondition for Namibian Independence and were thus embodied in the Namibian bill of rights.

On the other hand drafting could not stand isolated from the rest of the constitutional process.

This was clear from the Bophuthatswana experience where the bill of rights

GROUP FREEDOMS AN EXTREMELY SENSITIVE ISSUE

could not be faulted from the point-of-view of technical draftsmanship and yet it failed to have any significant impact on the political and legal system. Professor Wiechers attributed this in large part to the fact that the Bophuthatswana government had never permitted truly democratic opposition.

It was thus important to ensure that the new constitution would see a break from South Africa's previous constitutional tradition and ensure that the protection of fundamental human rights and freedoms would take precedence over the existence of the State and becomes firmly embedded in the national psyche.

Professor Johan van der Westhuizen of the University of Pretoria, outlined three options as far as timing was concerned:

- The immediate introduction of a limited bill of rights implemented by the present government on a gradual basis.
- The immediate implementation of a full bill of rights.
- Wait until the new constitutional dispensation was negotiated on the grounds that it would be premature to implement such a bill into an apartheid society. Professor van der Westhuizen said there were advantages and disadvantages in all three but supported the option of waiting for the reason that real protection of human rights was something that could only be won through struggle.

The second day of the conference started with a panel discussion by politicians representing the ANC, NP and Inkatha. What was remarkable about this session was the extent to which the major players on the political scene appear to be in agreement that any new constitution should contain a fully justiciable bill of rights.

Thereafter two sessions were devoted to what the organisers considered to be major problems concerning the implementation of a bill of rights: the issue of protecting group rights, and socio-economic rights in a bill of rights.

On group rights, Mr Bede Harris, University of Natal, Pietermaritzburg, dealt with the protection of the identity of different cultural groups in the light of the principle of non-discrimination. This

is an extremely sensitive issue in South Africa since any attempt at group exclusivity (even on a private basis, for example, by creating racially exclusive schools and clubs) could well be perceived as a form of apartheid. And yet if the right of association (which logically incorporates a right to disassociate) were to be entrenched in a bill of rights, the courts could end up thwarting any attempts by a future government to outlaw this type of activity. This, of course, could create major problems in a future South Africa.

Professor Charles Dlamini, of the University of Zululand, raised the very pertinent problem that although South Africa is a deeply-divided plural society most of the groups classified by the system of apartheid did not receive any benefit from such classification. Thus any attempt at classification in the future was bound to be viewed with suspicion and most likely rejected as a resuscitation of apartheid. However, he stressed that groups were entitled to rights over and above mere individual rights.

Lessons learnt

The third speaker in this session, Professor Dawid van Wyk of Unisa, said apartheid had prejudiced discussion on group rights and account must be taken of the adverse effects of apartheid (such as feelings of superiority and inferiority) in discussing this issue. He also warned that ethnic, racial and group tensions were beginning to dominate the international political scene. He advocated a framework of protection of group rights that should be incorporated into the constitution — and not necessarily a bill of rights which was essentially geared towards protecting individual rights.

So what lessons were learnt from the conference? Professor Jeffrey Jowell, in his summing up, sounded a warning that constitutions (and especially bills of rights) should not be weighed down by the excess baggage of general policy-making. A constitution should provide the basic structure and framework of government and stipulate what the government could not do: for example, transgress individual rights and freedoms. But it should not stipulate what a government should undertake by way of

general policy decisions.

This raised the issue of socio-economic rights and Professor Jowell asked whether judges were able to decide polycentric problems in the realm of social and economic policy-making?

The same could be said for the question of group rights. Professor Jowell pointed out that a bill of rights was essentially designed for the protection of individuals — and not minorities — yet it was necessary to ensure that the fact of group identity was recognised.

What was noticeable during the conference (and was pointed out by Jeffrey Jowell) was the extent to which there was common ground between major political parties.

This obviously gives cause for optimism but one must caution against over-optimism. A human rights culture is not suddenly going to appear once apartheid has been eradicated. It is an ongoing process that needs to develop over time.

Neither can a bill of rights be expected to function automatically on implementation. Instead we are going to have to work at ensuring that it succeeds.

And this is something that all those who desire a functional and fully justiciable bill of rights can begin working on. Not only did the conference provide certain solutions but it raised a number of questions (such as ensuring legitimacy, the mechanics of implementation, group and socio-economic rights, etc) that need to be addressed.

To a certain degree it is also going to be necessary to depoliticise the concept of a bill of rights to avoid it becoming a political football. An important development in this respect occurred when Mr Bulalani Ngcuka of the ANC constitutional committee, stated that the ANC had no objection to the introduction of an interim 'mini' bill of rights prior to the formulation of a new constitutional dispensation.

If sufficient effort and pressure could be exerted in this regard it would mean that a nascent bill of rights culture would already be in place at the time of a constitutional convention. Not only would this have important educational benefits for the population as a whole but it would also avoid wasting valuable time. ●

VIVA! VIVA!

by DAVID BASCKIN

BARBIE, OH BARBIE

WHILE skimming through a grumpy little Joburg tabloid en route to the Doonsbury cartoons the other day, my eye chanced upon a searing indictment of Barbie dolls. It seems, in the opinion of some Capetown educationist, that Barbie, bless her skinny hips, is chockfull of bad news. As a father of young daughters, this came to me as a great shock, since we had only recently burnt all our Noddy books, to the approving nods of the cultural workers in our immediate social circle. But however bad Noddy is or was, he's got nothing on Barbie. Barbie gives children wrong values. Barbie reinforces gender stereotypes. Barbie pushes consumerism. Barbie promotes anorexia. Wow and golly. When you consider that all this power is concentrated in 11 inches of plastic, Barbie must have the magical abilities of a Nigerian fetish, at the very least. Prompted by this exposé, I conducted a little bit of research of my own. According to some documents slipped to me by my mole in the United States Information Service, it would seem that Barbie is a special project of the CIA designed to promote capitalism throughout the entire world. Having already smashed the systems of Eastern Europe, Barbie was now en route to destroy socialism in the New South Africa. Shattered by this, I went in search of my daughter only to find her dressing Ken (that's Barbie's chaste and plastic boyfriend) in a gold lamé miniskirt with matching Madonna-style lurex bra. So much for gender stereotypes, I thought, deciding to save the CIA connection story for her sixth birthday.

I TALK TO THE PRESS

SO the Hero of Angola, the Victor of South West Africa, the Securocrat of Securocrats, the Hammer of the Reds, the Scourge of the Cubans, the Sword of Righteousness, is to become the Minister of Forests. What an end to a mighty military career. In fact, with the possible exception of Dr

Treurnicht's brief tenure as Minister of Statistics, I can think of no other Nat heavyweight to have been so unambiguously sidelined. Meanwhile, on the other side, some commentators are making much of the symmetry between Malan's cabinet shift and that of Chris Hani. Maybe secondment to the South African Communist Party is the ANC's version of the Ministry of Trees.

MEANWHILE, BACK IN THE CROCODILE

JUNIOR, a large male crocodile currently resident in an Assagay croc breeding establishment, raised some small prickles of terror with the news that he has recently eaten several small lady cros which a benign management provided for his entertainment. The general idea was that he would mate with them, and so achieve his version of the Greatest Good, with everyone — from Junior, to the lady cros, to the owners — reaping material and emotional benefits, each to his or her own kind. Sadly, this was not to be, since Junior consumed not only his last chance for marital bliss, but the equivalent of twenty belts, eight handbags, three wallets and one gross assorted watch straps.

THOSE IN PERIL

WHILE the life-enhancing behaviour of the captain of the *Oceanos* has dominated the news, there has been little information on the reasons for the sinking. According to my favourite conspiracy theorist, it would seem that the *Oceanos* was sunk by a torpedo fired by an Inkatha submarine, the *Jamile*. Based at Kosi Bay, the *Jamile* is the flagship of the Royal Zulu Navy. Before sinking the *Oceanos*, the captain informed the SADF, so allowing the South Africans to carry out an effective "rescue" and so gain some much-needed positive publicity for Pretoria.

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