

# Adv. GEORGE BIZOS - OPENING ADDRESS

## AT WHAT COST TO THE GENERATION OF PROTEST?

During the late forties and early fifties, most members of the National Union, and more particularly its leaders, had either fought in the war that was to end all wars or, although perhaps too young to fight, were old enough to have been influenced by the declared aims of the allied cause. It was nowhere better stated than in the Atlantic Charter. The President of the United States and the Prime Minister of His Majesty's government solemnly declared in August 1941 in Article 3 of the Charter that "... they respect the right of all peoples to choose the form of government under which they live." The Charter was incorporated by reference in the declaration of all the United Nations (South Africa included) in February, 1942.

In 1948, even whilst the National Party was calling for votes for a white South Africa and making plans to deprive even the few blacks of their right to vote under the pretext of introducing constitutional certainty, the general assembly adopted the Universal Declaration of Human Rights. Although Mr Pik Botha, when a back-bencher, on his return from America tentatively suggested the Declaration's adoption, South Africa is one of the few countries in the world that has not adopted it, even at least as something to which to aspire. The National Union adopted it for its guidance in the preamble of its Constitution. Almost every one of the inalienable rights to all members of the human family considered the foundation of freedom, justice and peace in the world and enumerated in the preamble and thirty articles of the Declaration, were to a greater or lesser extent violated for the majority of the people in South Africa, even before the National Party came into power in 1948. One of the purposes of the adoption of the Declaration was that man should not be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression. However, attractive the rights and freedoms set out in the Declaration as a whole may have been to our black fellow students, those in Article 21 must have over-shadowed all others :

- "1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to the public service in his country.
3. The will of the people shall be the basis of authority of government to be expressed in periodic elections by universal and equal suffrage."

They felt that if these rights were acquired, others such as freedom of movement and residence within the borders of their own country, the right to own property the right to equal pay for equal work, the right to form and join trade unions and the right to free education directed to the full development of the human personality, as well as the many other rights as set forth in the Declaration could well follow.

The level of expectation amongst students in South Africa, and more particularly those who were disfranchised and dispossessed, increased by these and other declarations of intent. The demand for full citizenship denied to the majority of the population, was made more earnestly than ever before by the political organisations of the black people in South Africa. The comparatively small but courageous and articulate groups of black students at Fort Hare, Cape Town, Wits and elsewhere, were no longer prepared to remain spectators in the struggle for freedom.

They spurred their organisations to take affirmative action to gain the rights for so long denied to them and their people. It was the end of the period of politely asking the government to alleviate the sufferings of the have-nots and the beginning of the period of vociferously demanding political rights and threatening that further steps would be taken if they were not granted. This was the climate in which many now in prison or in exile became involved in the struggle for political rights for all. NUSAS, one of the few non-racial organisations then in existence, could not and did not stand aloof. It identified itself with the cause of the majority of the citizens of the country who were then knocking at the door and calling out loudly that they should be admitted to enjoy on an equal basis what the country had to offer, or else ...

Governments not elected by, and ruling without the consent of the majority of the people, must be able to deal firmly with those who challenge the premise of which those in power hold office. To this end the Suppression of Communism Act of 1950 was passed. NUSAS, together with many others, protested and warned that the Act would not only be used against a small group of communists then functioning as a political party, but would be used to crush all those who did not accept the then sacred doctrine of apartheid. The advocates piloting the legislation gave assurances that this would not happen. NUSAS was proved right and those who gave the assurances wrong. The Act has been used to ban the ANC, the PAC, the Defence and Aid Organisation, SASO, the BPC and a score or more of other organisations seeking to bring about change in South Africa. The Act was used to restrict, banish or house arrest some who were communists, but it has also been used to restrict and silence trade unionists, student leaders, teachers, journalists and churchmen. When even well-wishing friends of the South African government found it difficult to accept that staunch Calvinists, Lutherans and Anglicans as Beyers Naude, Manas Buthelezi and David Russell were restricted and silenced in terms of the Suppression of Communism Act, the law was re-christened and has now become the Internal Security Act.

NUSAS protested the passing of the Group Areas Act, the Separate Amenities Act, the Removal of the Coloured voters from the common roll, the threat to close the universities to black students, the introduction of legislation to make it compulsory for women to carry passes, the tightening up of the provisions of the Urban Areas Act, which separated families and deprived an even greater number of people of the right to live in the city where they could find work. They protested against the Mixed Marriages and Immorality Acts, the Population Registration Act, the Bantu Education Act.

Those in power enjoin the others to obey the law and not to have doubts about the basis of authority of the government in power. Rulers, to paraphrase Anatole France, expect their subjects to salute the majestic equality of the law that forbids black and white, rich and poor to steal bread and sleep on park benches. NUSAS was protesting, not thanking and applauding. Attacks on NUSAS were therefore frequently made. There was nothing new in this, even many years ago, way back in 1933 when the National Union decided to admit students studying at Fort Hare to membership, the late Dr Nico Diedericks who led the break-away from NUSAS to form the Afrikaanse Studentebond, said that the organisation was too liberalistic, imperialistic and negrophilistic to cater for the needs of Afrikaner students. Dr D F Malan assured his audience in 1950 that the bunch of leftists protesting against these laws would soon be thrown out of office by the moderate student body. One wonders what the good doctor would say now that at least some of his then associates and spiritual heirs are doubting the wisdom of at least some of the laws passed and the acts perpetrated in the name of apartheid that NUSAS so strongly protested against.

Thirty-eight have been sentenced and are serving terms of life imprisonment.

According to the Annual Surveys published by the Institute of Race Relations since 1955, at least 9958 persons have been convicted under the arsenal of security laws. The figure is probably well over 10 000 as during certain periods no accurate record was kept.

Over 16 654 persons were detained up to the end of 1979 under the regulations promulgated during the Emergency of 1960, the 90-day, 180-day and indefinite detention provisions in terms of the Terrorism Act and Internal Security Acts.

1 412 persons have been banned in terms of the Internal Security Act.

162 persons have been banished to outlying areas in terms of what was called the Native Administration Act of 1927.

22 organisations have been declared unlawful.

None of these figures include what has been happening in Namibia.

Has the price paid solved any of our problems? Will more deaths, long terms of imprisonment, detentions, bannings or banishings solve any of our problems, or will they be multiplied?

History would tend to show that death sentences, long terms of imprisonment and other punitive actions only make those who feel deprived of political rights to become more determined to get them at any cost.

Our courts have hitherto kept a cool head in relation to the passing of death sentences where no life was lost. It is hoped that this tendency will continue.

Life imprisonment is an ambiguous term but it has never, at least in modern times, been understood to mean the natural life of a prisoner. The prison authorities decide when to release a prisoner sentenced to life imprisonment. In practice it varies from ten to fourteen years. There are prisoners on Robben Island and in Pretoria who were sentenced to life imprisonment, who have been there for over sixteen years. Is it intended to leave them there for the rest of their lives? Leibrandt, convicted of treason during the war, was sentenced to death. His sentence was commuted to life imprisonment. He was released some four years after the sentence was imposed. As observed by Chief Justice Rumpff en passant in argument in another case, "life" there meant the life of the government in power. Is the only hope that these men have that the life of the government will be shorter than theirs?

As we are assured that all prisoners are treated alike, why is the practice of reviewing life sentences after ten years or so not followed in the case of political prisoners? Why is no remission granted to those sentenced to many years of imprisonment? NUSAS has done much to help educate and bring comfort and hope to many of the life-loving people in our prisons. Let it continue to pay special attention to the life prisoners and the many others who are discriminated against by not having their sentences reviewed and to whom no remission is granted because they are political prisoners. Many of them are in the late teens or early twenties. Will they not be given an opportunity to lead an ordinary life before they reach middle age?

The prime minister, Mr P W Botha, is reported to have said recently to his constituency at George: "The whites cannot survive through oppressing other races or by denying them human rights and a decent standard of living. I know the moment you start oppressing people, the moment you start denying them their rights to live as people, they fight back." The recent calls for reform, even though they may be considered as ineffective or cosmetic by many, must surely be considered as an unqualified admission that there was, or indeed is, such oppression as is referred to by the prime minister. The prime minister called on his audience to learn from the history of the Afrikaner people who fought when they were oppressed. There is good authority for the prime minister's view. Aristotle said that inequality in goods and honours leads to seditions.

The main political organisations of the African people were banned in April, 1960. Many of their leaders were restricted and silenced. Any serious attempt to bring about change by calling a national convention, or even contravening location regulations by way of protest, was considered treason by politicians who believed that the black man should be kept in his place. The inevitable fight-back was about to start.

The commencement of the campaign against targets called the symbols of apartheid at the end of 1961 soon led to the ninety-day detention provision which was soon thereafter to be made into a 180-day provision. The courts' right to interfere with such detentions was removed, as was its right to admit people to bail. NUSAS protested.

Those in authority were less tolerant of protesting and criticism. The then minister of police, Mr B J Vorster, said NUSAS was a cancer in South African society and that he would personally root it out. Participation in its activities until then could, at worst, lead to the deprivation of a passport, or possibly a banning order. By the middle sixties the prospect of detention without trial, or even conviction because of peripheral involvement in an underground organisation, became real dangers. Commissions of enquiry, disaffiliation campaigns, scurrilous articles in certain newspapers and infiltration by police informers, weakened, but did not destroy, NUSAS. The arrest, trial and acquittal of its leaders for advocating a better education for all, trade union rights for all workers and the release of political prisoners, high-lighted the injustice done to those who had not been charged in court but had been banned for reasons unknown to them, and without having been heard. It was no doubt felt that if it was prevented from receiving funds from outside the country, it would fold up. It was declared an affected organisation cutting off funds from outside in September, 1974. It has managed without such funds. It is encouraging that a Friends of NUSAS Committee has been formed, to call on us to help the National Union to continue its work.

NUSAS, although on a collision course with the government for over thirty years, has survived. Black students left NUSAS in the late sixties and early seventies in order to go it alone. NUSAS is a non-racial democratic student organisation open to all. Has the time not arrived for students, irrespective of colour or language, to come back into it, no matter what other organisations of their own they may still want to be in? It can only strengthen the forces calling for democratic rights for all. NUSAS is probably stronger now than it has been for some time.

Apartheid, however, has had more than its fair share of victims :

Over 40 have died in detention since detention without trial was introduced;

At least six have died on the gallows for politically motivated acts;

Very recently three have been sentenced to death although not found guilty of an act involving loss of life. Hundreds have been shot dead in the last five years and many more wounded in confrontations between the police and students.

On the prime minister's own statement, many of them were victims of apartheid who had to fight as his people had done. He and some of his ministers assure us that apartheid is dead. If that be so why are those who were its earliest and staunchest opponents still in prison?

The refusal of the authorities to treat them in the same manner as other prisoners may be regarded as an act of revenge because they challenged the government's right to govern them without their consent. For our self-preservation it is as well that we do not make ourselves guilty of remaining silent when such acts of revenge are committed. Let us, and more particularly those in power, remember the words of the historian Thucydides written almost 2 500 years ago :

"Indeed it is true that in these acts of revenge on others, men take it upon themselves to begin the process of repealing these general laws of humanity (human rights are not a twentieth century invention) which are here to give hope of salvation to all who are in distress, instead of leaving those laws in existence, remembering that there may come a time when they, too, will be in danger and will need their protection."

The best proof, if any is needed, that NUSAS was right and its critics wrong is the recognition by at least some of them that they have to put right at least some of the things NUSAS has been protesting about for a generation at some cost to itself. Commissions of enquiry, calls for reform and promises of better things to come for some fall far short from the ideals NUSAS set its sights on.

Let us urge NUSAS to keep on protesting until everyone has the right to take part in the government of the country; until the will of the people is the basis of authority of government expressed in periodic elections by universal and equal suffrage; until nusas principles are accepted, even by those in authority.

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