

THE BLACK SASH

NATIONAL CONFERENCE -CAPE TOWN

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PRESIDENTIAL ADDRESS.

BY

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The year that has passed since the last Black Sash National Conference in March 1982 has brought us face to face with the harsh realities of the National Security State.

The shape of the Total Strategy has become clear as the concept of a Total Onslaught is created for us requiring also the creation of the image of an enemy. This created concept of Onslaught as well as requiring the image of an enemy also requires a redefinition of the "State". Our understanding of a State as being the organised political community of the whole people within defined geographical borders has to be abandoned and replaced by a word State which refers to the centre of political and armed power and the few in whose hands that power lies. "State" has become synonymous with the ruling elite. Thus all who oppose the policy and actions of the ruling elite become "the enemies of the State".

Because the overwhelming majority of people in South Africa does oppose the policy and actions of the ruling elite Total Strategy is designed to destroy or to neutralise that opposition and it is a total strategy.

Total Strategy does not only refer to the ever increasing militarisation of the society and to the powers of the Security Police. It includes all the plans for constitutional change, the creation of new geographical boundaries, the denationalisation of black South Africans, the new patterns emerging in the control of the supply of labour, the improvements in quality of life for those black people who have some limited rights to live in "white" urban areas, the containing of the growing black worker organisations, the harnessing of the power of the economic sector, the control over the dissemination of true and accurate information and the mounting of a propaganda onslaught directed towards those within and without the country

At this 1983 conference the Black Sash will be studying the mechanisms of the Total Strategy - the ways in which the exclusion of the majority for the benefit of the minority is being accomplished.

The Political mechanisms.

Change is certainly happening in South Africa - probably the most radical change there has been since 1652 but that change cannot, by any stretch of the imagination, be described as reform. We believe that it is change away from the goal of democracy towards the entrenching of political economic power in the hands of a minority elite and towards the complete exclusion of the majority from political, economic and social participation in our common society. The means used have become more sophisticated and more efficient over the years and the current

attempt to include/---

attempt to include people who are not white in the governing minority is a necessity forced upon government by the impossibility of continuing to maintain on a small base a militarised State at the same time as keeping the country's administration functioning and its industry growing.

The line between the prosperous and powerful minority and the poor excluded majority is no longer the same as the line between white and black but the line between rich and poor, between the in-group and those outside is becoming a fortified and impregnable wall.

Some years ago (before the abolition of the Senate) I heard a black political leader say that there is nothing wrong with the existing South African constitution except that it denies the vote to black people. He maintained that, given a universal franchise, our constitution would be a democratic one because it enshrines the principle of direct government by the people for the people through the elected Parliament. I don't entirely agree with him because the lack of entrenched restraints has enabled this Government to remove the civil liberties of citizens by denying them unfettered access to an independent judiciary and to the Courts. Nevertheless, what we have is infinitely better than what is proposed for us.

We are jettisoning it, not for a new constitution modelled on any existing democracy, but for a constitution which will remove power from all elected representatives of the people and place it uncontrolled in the hands of an executive State President who will not be directly elected by the people.

Any idea of an entrenched Bill of Rights for the protection of the civil liberties of the individual has been rejected.

The escalation of conflict which has been caused by the constitutional proposals became evident immediately the Labour Party announced that it would participate in the new system. This conflict can only become more bitter, more violent and more destructive as long as constitutional arrangements continue to be made by only a small minority of the people of South Africa.

The people of South Africa demand no less than did the people of the United States when they defined their purpose in making their constitution :

"In order to form a more perfect union"

"In order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity".

The present proposals move us in the opposite direction.

The political exclusion of the majority is being achieved by the denationalisation of black South Africans through the bringing to independence of the homelands.

The first proposals for this new constitution were presented to us in 1977 soon after Transkei independence in October 1976. Bophuthatswana became independent in 1977, Venda in 1979 and Ciskei in 1981.

Between October 1976 and December 1981 over 8 million South Africans had their citizenship taken away from them. There are no Tswana, Xhosa or Venda speaking South Africans anymore. They are aliens amongst us and as such have no legal claim to a vote for the central institutions of South African government.

Reform demands, at the very least, restoration of citizenship to all those from whom it has been taken away and no further such deprivation in the future. Without this recognition of our common citizenship no constitutional arrangements can even be begin to be seen as a step in the right direction.

The physical exclusion of the majority is continuing apace through the Government's resettlement programme. There used to be a rule of thumb that one third of the black population lived in the towns, one third in "white" rural areas and one third in the reserves. By 1960 40% of the black population was resident in the bantustans. By 1980 54% of the black population was resident in the homelands and the removals go on all the time, concentrating poverty, unemployment and economic activity in the homeland areas.

We shall be reporting at this conference on the economic exclusion through influx and efflux enforcement which is being ever more rigidly applied. It is now being reinforced by the urban labour preference policy which seeks to concentrate the privilege of having a job in that part of the urban black community which has rights of residence in the urban areas. (It is very important to understand that when Government refers to "The urban black" it only means that minority who have Section 10 rights and not to the much larger group of people who are in fact living and working in the urban areas)

The encouragement of a commuter system/—

The encouragement of a commuter system (workers living in the bantustans and travelling to work in the "white" area on a daily basis) ensures a supply of labour to the "white" economy while shedding the costs of the social infrastructure on to the homeland governments. This system is increasingly, excluding from any possibility of legal employment, those who live in remote homeland areas and those who live in those homelands with no geographical proximity to industrial centres.

The Government is intent upon reducing the number of black people in the urban areas and upon preventing all further black urbanisation in the "white" areas. The Orderly Movement and Settlement of Black Persons Bill has been postponed until next year but we are now threatened with amendments to the existing legislation which are to "return us to the status quo ante the Komani and Rikhoto judgements". In other words amendments are to be introduced to take away the rights of women and children to live with a qualified husband or parent and to take away the rights of migrant workers to acquire urban residence status after working for ten years in the same job. This amounts to a total clampdown on all black urbanisation outside the bantustans.

This brings me to the next point I want to make tonight - the exclusion of law from administration.

The Komani judgement handed down by the Appeal Court in 1980 established the rights of women and children to live in town with their husband or parent provided that the latter enjoys urban residence rights. That is the law.

The judgement has been consistently frustrated by the refusal of officials in Johannesburg to recognise the legal rights of such wives and children.

More than two years after the judgement women are still having to enlist the help of an attorney before their rights are endorsed in their identity documents.

The Rikhoto judgement in the Transvaal division of the Supreme Court and the Booil judgement in the Cape Division established the rights of migrant workers to acquire urban residence rights after ten years legal employment in one job. An appeal has been lodged by the Administration Board in the Transvaal but not in the Cape.

Tens of thousands of people are affected by these judgements but 18 months after the Rikhoto case they are still not receiving recognition of their rights. Not only that, but the refusal of the bureaucrats to obey the law and to give Section 10 endorsements is being extended to other categories of people who have perfectly straightforward claims to urban qualifications.

People have complained that/-----

People have complained that they have been told, "There are no more qualifications" or "there is a new law" or "you will be fined R5000 if you continue to employ this person." All these comments are in anticipation of the Orderly Movement Bill which is not yet law.

We have now been forced to realise that in this whole area of our work it is impossible for people to enforce their legal rights and that Court judgements will simply be ignored if they are not in line with Government policy.

This is a terrifying realisation. It cuts away from under our feet that foundation on which the future society in this country might have been built had it not been destroyed by the present Government.

We have over the last thirty years watched the way in which the legislature has removed the rights of citizens by making laws to diminish those rights. Now even the rights that remain in law are increasingly being denied by administrative decision and bureaucratic action.

I have observed what this means to people in the Ciskei where law has become meaningless in many aspects of people's lives. There the process is crude and obvious. People seeking redress for their legitimate grievances about pension rights, housing matters, extortion of monies by C.N.I.P officials, for example, are often warned "You are too clever. You are ready for Dimbaza," Dimbaza being where the Ciskei National Intelligence Service takes people for interrogation and where they may be detained indefinitely.

The South African Government is more subtle in its approach but the end result is the same. Citizens become powerless to act lawfully in obtaining redress of wrongs done to them. The lawlessness of Government inevitably leads to lawlessness in society and to political confusion and disorder.

The Civil Liberties.

In a very encouraging speech in Johannesburg last month the United States Ambassador to South Africa said :

"This Administration does not wink at violations of human rights in this country, or elsewhere. We recognise that any State has a legitimate interest in the maintenance of law and order and that, indeed, the breakdown of law and order would be incompatible with the process of peaceful change. But for precisely that reason we believe in the judicial process which allows every person his day in Court and a fair trial.

This is why we cannot accept the concept/--

That is why we cannot accept the concept of detention without trial or the onerous punishment of banning, which restricts people by administrative fiat.....For if there is one thing that conservatives feel strongly about it is that the State should not be entrusted with arbitrary and discretionary powers over the individual".

This is in marked contrast to an earlier statement by Dr. Chester Crocker, U.S. Assistant Secretary of State for Africa that "We do not believe that change is inconsistent with tough security measures. It may be precisely when change is going on that the people who are responsible for it may feel a need to prove more than ever that they are in charge".

This argument is often used in South Africa by those who believe that a process of political reform is under way. It is ^{an} almost extraordinary statement for a member of the Government of a country which is a great democracy, whose justification for that claim lies in a constitution which enshrine the most magnificent ideals to which mankind can aspire :

"Congress shall make no law respecting.....abridging the freedom of speech, or of the press, or the right of people peaceably to assemble, and to petition the Government for a redress of grievances". (First amendment)

"The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated.....
(Fourth Amendment)

"No person shall.....be deprived of life, liberty, or property, without due process of law....."(Fifth Amendment)

"Cruel and unusual punishment (shall not be) inflicted" (Eighth Amendment)

Dr. Crocker is protected in his own personal life by the constitution of his country and we resent very much that he should so lightly discard the idea of that protection for the people of this country.

Dr. Crocker may be thankful that Minister Le Grange is not in a position to constructively engage himself in the affairs of the United States of America.

The Minister of Law and Order's attack/-

The Minister of Law and Order's attack, under the protection of his Parliamentary privilege, on the admirable work of the Detainees Parent's Support Committee and on their attorney Raymond Tucker, our most respected and trusted friend and legal advisor, has made us all realise afresh that every person living in South Africa has cause to be personally and immediately fearful of the power wielded by this man - - power which is not controlled by the law or by the Courts.

But the Minister should also know that our fear will not cause us to desist from speaking out and upholding those values of justice in which we fervently believe. He can do many things but he cannot touch or destroy those ideals which he has abandoned but which will outlive him and his temporary power.

At this conference we will also be considering the question of conscientious objection and the harsh and unreasonable new proposals for alternative service and the punishment of objectors. We will be asking why there should be conscription at all.

In the Second World War there were deep emotional divisions of opinion in this Country about the war and we had no conscription.

In the war of occupation in Namibia and in the conflict within South Africa there are even greater and more intensely felt divisions.

If in this conflict it is considered necessary to have conscription is that not an admission that the war is already lost? Such a war cannot be won if the hearts and minds of the people are not engaged in it. Without conscription those whose hearts and minds are convinced of the rectitude of their cause will volunteer for military service. Those many of us who feel that only political solutions are possible in a political conflict will be freed to work constructively for a just and democratic future for all the people of this land. We do not believe that it is possible to do this while the guns roar about us and the chaos of war destroys all rationality.

War does not only destroy lives and infrastructure. In its blood and dust and flames ideals of justice and democracy are also consumed.

War destroys the future as well as the present - and always it is the people who suffer.

We in the Black Sash do not like/---

We in the Black Sash do not like what we see is happening around us.

We are not seduced by the image of an enemy which is so skilfully being presented to us.

If the enemy is communism its soldiers are not somewhere "out there" battering at our borders to get in. That enemy's forces are the extremes of wealth and poverty within our own borders and the forces which seek to maintain the great gulf fixed between the haves and the have nots.

The enemy is within the gates.

There is no enemy "out there". There are only people who want food and shelter, land and opportunity, security and peace, and who know that their hunger will only be assuaged if they have some political power and who know that there can be no peace unless there is justice.

SHEENA DUNCAN
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THE BLACK SASH

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