

DEMOCRACY IN ACTION

THE OFFICIAL NEWS BULLETIN OF THE INSTITUTE FOR A DEMOCRATIC ALTERNATIVE FOR SOUTH AFRICA

DECEMBER 1988

Leverkusen exposes the myths

IDASA group meet Soviet Africanists and ANC

ELSABE WESSELS

AT IDASA's initiative five white South Africans met 22 Soviet Africanists from the Soviet Union and seven exiled members of the African National Congress in Leverkusen, West Germany, from 24 to 27 October.

For South Africans, Leverkusen addressed two critical areas — South Africa's relationship with a changing superpower and the growing national crisis at home.

Fear of communism and trepidation at the "Red's geo-political hunger" were boldly addressed by the party of Soviet academics, who, with the exception of one, were members of the Communist Party. They, in turn, listened intently to analytical accounts of the complexity of the South African situation.

At one stage individual delegates from the two camps even shared the same perspective on the role of ethnicity when Prof Herman Giliomee of the University of Cape Town, and former Soviet ambassador in Zambia and Afro Asian Solidarity Committee vice-chairman Vasili Solodovnikov, found solidarity in their two-nation thesis in assessing South Africa's battling nationalisms. However, their conclusions differed dramatically. Giliomee argued for a continued post-apartheid struggle between Afrikaner nationalism and Black nationalism. Solodovnikov predicted unity in the long term, arguing that the existence of capitalism not only created a single industrial and agricultural market, but also laid the foundation for the formation of a single nation. Joe Slovo, almost odd man out, yet the one delegate who shared commonality with all three groups in being white, a committed communist and executive member of the



The three full delegations to the conference: The Soviets, the ANC and the South Africans.

ANC, found value in neither theory and presented a final scenario based on class analysis. This was in turn rejected by South African academics, who found support in Soviet quarters for their argument that ethno-consciousness had very little in common with economic foundations.

The above is a brief and incomplete summary of the soul-searching debate. But the cameo was chosen to highlight the probing and intensive nature of the discussions.

On the South African side there was obvious interest in the affairs of the Soviet Union, and the Soviets were eager to oblige with information. Gorba-mania had undoubtedly

ly captured the hearts and minds of the people.

One could not help feeling envious at their reformist zeal and re-discovery of national pride. Even the ageing Solodovnikov seemed rejuvenated by the new era of reconstruction and democratisation of Soviet society. Foremost, they said, is the need to energise the country's paralysed economy.

Not that 70 years of Soviet communist theory and practice were ignored. Much of it remains entrenched.

A careful and comprehensive assessment of the nature and extent of the reform measures was not given. One could conclude that the importance of doctrine and a strong element of Marxist-Leninist ideology remain intact.

Reconstruction should not be interpreted as a move towards capitalism, the Soviets said. Gorbachev and his followers are committed to socialism. They are merely in the process of rediscovering a new,



workable form of socialism to develop the country and its almost 290-million people.

The entire Soviet team addressed Soviet relations with South Africa. On foreign relations with South Africa they presented a united front: Moscow is not about to draw the South African government to its bosom. Although it recognises South Africa's position as a regional power in Southern Africa, its absolute rejection of South Africa's home policies remains a prohibition in the formation of diplomatic ties.

Soviet Afro Asian Solidary Committee consultant, Slava Tetekin, along with his compatriots, also disposed of recent rumours of a rift between the Soviet Union and the ANC by boldly proclaiming continued support for the liberation movement. There were also no signs of covert dissensions.

A conclusion could be drawn, however, that the main shift in Soviet policy towards SA appears to be away from the idea that the state should be overthrown by revolution and towards the advocacy of a negotiated settlement.

Delegates were also treated to a most descriptive account of an almost forgotten history by Moscow historian Dr Irina Fialtova, who illuminated a time "when the word South Africa was associated with the struggle of Afrikaners against the British" — the Anglo Boer War.

In modern Russia, Soviet readers can read the translated works of many South African writers and poets. The Afrikaans writer best known in the Soviet Union is André P Brink.

However, as expected, ample time was devoted to the "South African problem". Strategies for change were high on the agenda. While several South Africans tried to barter the bona fides of a system which would secure group or minority rights, it was clear that any racially designated argument would win very little favour.

Clear consensus could ultimately not be reached between hardcore supporters of "minority rights" and campaigners for an "independent, unitary, democratic and non-racial state". But the exchange of views was informative and fruitful.

The ANC put forward a full text of its constitutional guidelines published in August. The guidelines, a comprehensive review of the Freedom Charter accepted at Kliptown

in 1955, should not be viewed as a constitutional blue-print, but as a framework for discussion, the ANC delegation said.

Described as a "constitutional framework for a democratic South Africa", the 25-point document addresses: the state, franchise, national identity, a bill of rights and affirmative action, the economy, land, workers, women, the family and international relations.

Several South African delegates were inclined to view the ANC draft constitution, put forward for discussion, as tilting the ANC towards centrist politics, a position considered as crucial for a negotiated settlement.

The ANC's commitment to an armed struggle also featured prominently. Several members of the delegation from inside the country raised poignant questions about this strategy, but in the end most

expressed their understanding of the historical inevitability of resorting to a policy of armed resistance. How did Pretoria feature in the five days? South Africans could not speak with the same enthusiasm as the Soviets when it came to reform and change.

What they could report was an internal political stalemate, increased repression, a rapidly sliding economy, debilitating sanctions, and growing international isolation.

An inevitable comparison between Leverkusen and Dakar must follow: I quote Gerhard Erasmus, who was present at both: "The general tone of the discussion this time was more relaxed and it reached greater depths. Certain concepts have been worked out more clearly by the ANC. I thought that the general result was a much more precise and even acceptable picture of a post-apartheid South Africa."



The Soviet Africanists, the ANC delegation and the two IDASA directors.



Left to right: Dr F. van Zyl Slabbert (IDASA), Mr J. Makhatini (ANC), Dr A.L. Borraine (IDASA), Mr V. Solidoynikov (Soviet Union).

THE last two months have been extremely hectic as far as IDASA's programme is concerned. Elsewhere in this issue there are reports on the conference held in Germany involving Soviet Africanists, Executive members of the ANC and a number of prominent South Africans. There were also two very significant conferences inside South Africa, one in Natal entitled "The Right to Speak" and a conference in Johannesburg under the title, "Strategies for Change".

A very encouraging feature which emerged during the Strategies for Change conference was the acknowledgement that there is a distinct difference between principle and strategy and that the latter should never be elevated to the former. This obviously allows for different strategies to be employed by different groups and individuals who oppose apartheid and are working towards the common goal of a non-racial, democratic South Africa. It also means there is considerable room for co-operation between differing opposition groups who share the same goal but have adopted different strategies. One of the factors which have bedevilled and therefore weakened opposition in South Africa is the time devoted to arguing and bickering over strategies rather than focusing on the key areas of agreement. It was my impression that there is a new realism emerging against the background of extreme repression from the state which should make possible greater unity and greater co-operation between the forces of opposition.

Because of the polarisation, suspicion and anger present in the body politic in South Africa, it is not easy to be optimistic about formal co-operation. Nevertheless, I am hopeful that we are nearer now than we have been for a very long time to the establishment of, for the want of a better title, "a Coalition of Democrats". Certainly there was an expressed desire at the Strategies for Change conference that key representatives and leaders of the wider democratic movement should come together to at least explore the possibility of such a coalition. Obviously it will not be enough to talk only about strategy; there is also a need for an in-depth study of what we really mean by non-racialism and democracy. If this is not attempted, these concepts will become empty slogans

From the Executive Director

A coalition of democrats?

DR ALEX BORAINÉ

used by a variety of different groups but meaning many different things.

IDASA will be giving attention to further workshops and conferences on the content of the goals so that greater clarity may emerge.

A disturbing feature flowing from the state of emergency, the recalcitrance of the state and the stubbornness of many whites to accept fundamental change is the growing impatience amongst younger Blacks who wonder if there is any point whatsoever in co-operating even with those Whites who are committed to this change. It is encouraging therefore to read the moving words which were written from prison by Mosiuoa Lekota, who was recently convicted of treason and is now awaiting sentence. Here are some extracts from that document, which has not been published in South Africa but reached the *New York Times*:

"The struggle against racism must not and should no longer be looked at from the side of black people alone. It must be looked at, and fought, from both sides of the colour line. That does not mean that the present set of circumstances should be ignored. A necessary balance must be struck to give sufficient leverage to those who fight the immediate evil of white racism.

But those of us who shoulder the burden of struggle should not be swung around completely. We should not move over to the extreme of employing practices that may prove disastrous on the dawn of a new day.

It is my genuine desire that when freedom day comes, it should not find reconciliation too far to attain. This immediately raises the question of the methods of struggle. The more jarring and shattering the methods, the deeper the alienation of our people and consequently the

more difficult the process of healing the wounds and reconciling the people. It is important to keep in mind what we mean by reconciliation. It does not mean pampering and pandering to the oppressor. Certainly it does not mean tinkering with an evil system. But it would be self-defeating to resort to patterns and grounds of action that trample on principle even though they take us forward faster.

Non-racialism as a method embodies the process of pulling blacks and whites together so that they jointly dismantle apartheid. In the process, artificial suspicions, nurtured by years of apartheid myths and propaganda, are demolished".

This admirably sums up the philosophy and practice of IDASA and one can only express heartfelt admiration and appreciation that such a message should come from the pen and from the heart of one who is certain to be incarcerated for many years to come. It must surely challenge all of us to renew our efforts in working towards that non-racial, democratic ideal for which Mr Lekota has made so great a sacrifice.

Cape Town
28 November 1988

IDASA representatives in the USA

WAYNE MITCHELL

DURING the month of November IDASA representatives toured the United States for the purpose of fund-raising and the briefing of American opinion leaders about the situation in South Africa.

Dr Van Zyl Slabbert, Dr Nthato Motlana, and IDASA's National Co-ordinator Mr Wayne Mitchell tackled the first leg of the visit which included Boston, Chicago and New York. The group addressed several editorial boards of major newspaper groups, the Council on Foreign Relations of Chicago, the World Peace Foundation and facul-

Continued on pg 4

ty and students at Harvard and Tufts Universities.

In New York the group addressed the Overseas Development Council, representatives of the African-American Institute and the Council on Foreign Relations before Drs Slabbert and Motlana returned to South Africa. Dr Alex Boraine and IDASA Regional Director Mr Max Mamase joined Mr Mitchell in New York for the second leg of the trip.

During the last few days in New York the IDASA representatives concentrated on meeting with key foundations.

The group travelled on to Atlanta where they met the Mayor, Mr Andrew Young, and addressed several groups which included seminars at the Southern Centre for International Studies and the Carter Centre.

In Washington DC numerous meetings and functions were addressed. Included were the Carnegie Endowment for International Peace, the Intercultural Centre at Georgetown University, the Centre for Strategic and International Studies and the Joint Centre for Political Studies.

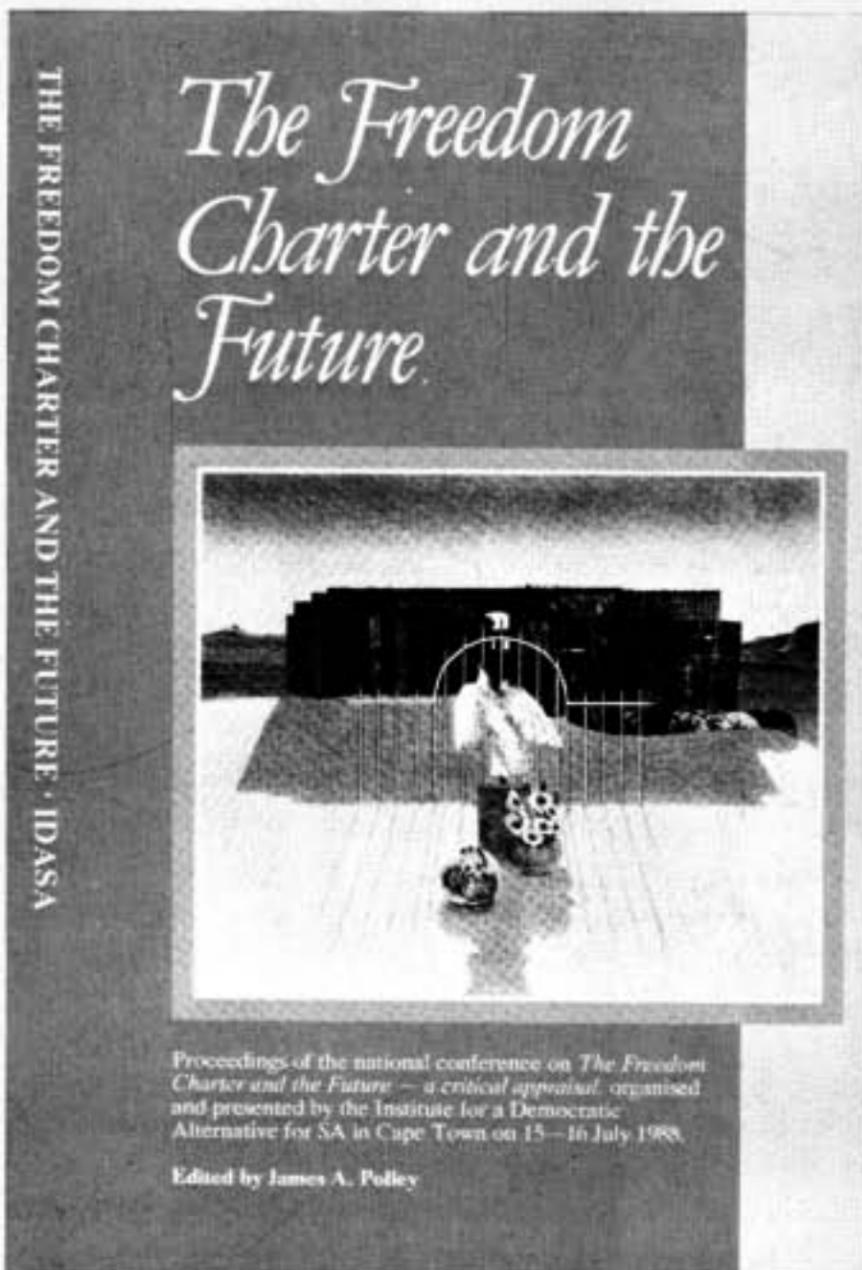
The San Francisco leg of the trip



Wayne Mitchell, Max Mamase, Mayor of Atlanta Mr Andrew Young, and Dr Alex Boraine.

included talks at the Faculty Club of the University of California at Berkeley, and the World Affairs Council. Several other meetings were held with key individuals and opinion leaders in the Bay area.

The trip proved to be most successful, proving that a keen interest is still being maintained in the United States concerning the problems facing South Africa and its neighbours.



IDASA has just published the book

The Freedom Charter and the Future

It contains the proceedings of the Freedom Charter Conference held in Cape Town in July 1988, comprising 20 lecture presentations, the Freedom Charter itself and some photographs.

The book can be ordered from:
THE MEDIA CONSULTANT, IDASA,
1 PENZANCE ROAD, MOWBRAY 7700
ENQUIRIES (021) 47-3127

The book sells at R8,00 per copy (postage included) and cheques/postal orders must be made out to IDASA when ordering.

Janet Cherry released: wins international Human Rights Award

KEITH J WATTRUS

Janet's colleagues in the Eastern Cape office of IDASA were ecstatic when she was released from detention on Wednesday, 16 November 1988. She had been detained without trial since 23 September 1988, a total of 54 days. Their euphoria was, however, tempered by the severe restrictions which have been placed upon Janet.

These restrictions are:

- a) She shall not take part in any manner whatsoever in any of the activities or acts of the following organisations, viz —
 - End Conscription Campaign
 - Port Elizabeth Crisis Centre
 - East Cape Adult Learning Project
 - Crisis in Education Committee;
- b) She shall not be outside the boundaries of the magisterial district of Port Elizabeth at any time;
- c) She shall not be outside the boundaries of the premises of her residential address between the hours of 18h00 and 05h00;
- d) She shall not attend or stay present at any meeting consisting of ten or more persons (including herself), convened or otherwise brought about for the purpose of discussing some or other matter;
- e) She shall not contribute, prepare, compile or transmit in any manner whatsoever any matter for publication in any publication as defined in the Media Emergency Regulations, 1988, as amended, or assist in any manner whatsoever in the preparation, compilation or transmission of any matter for publication;
- f) She shall not take part in any interview with any journalist, news reporter, news commentator or news correspondent;
- g) She shall not attend any gathering which has been convened, advertised or is otherwise brought about —
 - to attack, criticise or protest against any acts or policies or proposed acts or policies of the Government of the Republic of South Africa;

- to attack, criticise or protest against the system of local government as applied in the Republic of South Africa, or against some or other local authority belonging to some or other category of local authorities;

- h) She shall report daily to the officer in charge of the Charge Office at the Louis Le Grange Police Station, between 06h00 and 18h00.

Although IDASA is relieved that Janet will be able to resume her responsibilities at IDASA's Port Elizabeth office, the restrictions imposed on her will severely hamper the very effective role Janet was playing in facilitating peace-promoting communication between South Africans of all races. The restrictions appear punitive and vindictive and will prove a serious intrusion into Janet's private life, even preventing her from travelling to see her family who all reside elsewhere in South Africa.

No information was ever given to IDASA as to the reason for her detention and Janet herself was never questioned while in detention, so

why, we must ask, was her detention in the first instance necessary?

We are pleased to report that Janet's unwavering commitment in the fight against apartheid has been rewarded by the decision of Reebok International to award their first Human Rights Award for Young Activists to her. This prize honours exceptional individuals in the world under the age of 30, who have made major contributions to the advancement of human rights. Her restrictions will, however, prevent her from personally accepting the award in New York City on 7 December 1988. An application by her lawyers for permission to make the trip was refused. It is now likely that her mother will go on her behalf.

We congratulate Janet on being awarded this prize, which she richly deserves. We also wish her strength in facing up to the Draconian restrictions which have been imposed on her. In the words of Joseph La Bonte, worldwide President of Reebok International, Janet's candidacy was "outstanding, warranting recognition, and deserving of emulation by young people around the world."



IDASA launches exploration of Strategies for Change

by Shaun Johnson
and Thami Mkhwanazi
of the *Weekly Mail*



Dr F. van Zyl Slabbert, Mr Wynand Malan (Leader of the NDM), Dr Zach de Beer (Leader of the PFP) and Dr Dennis Worrall (Leader of the IP) discuss their positions and strategies.

GAVIN SINCLAIR

LAST week's "Strategies for Change" conference did not — as the wilder sort of speculator might have hoped after scanning the list of participants — yield a new political party. Nor did it produce a new strategic blueprint for anti-apartheid activism.

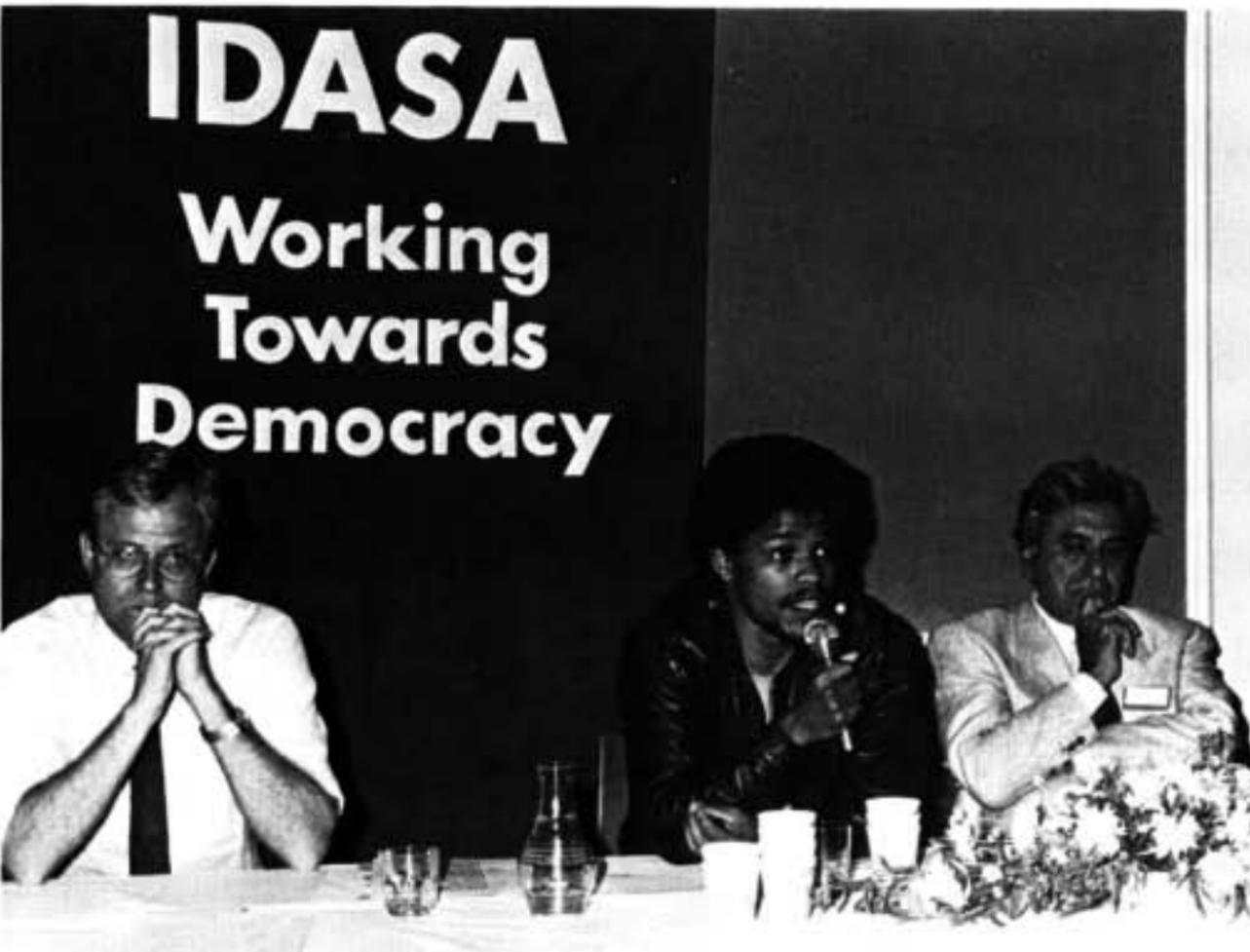
But from IDASA's Johannesburg gathering there did emerge a single, unifying *cri de coeur* — one so impassioned it could have the effect of regaling the myriad forces of opposition.

The cry was encapsulated right at the outset of the two-day conference. Institute director Frederik van Zyl Slabbert said of the current South African situation: "Those who govern are poor in vision and rich in strategy, and those who oppose are rich in vision and poor in strategy."

This was clearly identified as the crux of the impasse, and acknowledged by delegate after delegate. More than ever before, it was agreed, the vast majority of South Africans are passionately committed to a democratic and non-racial future. And less than ever is there a cogent, directed and dynamic set of strategies in pursuance of that goal.

The desire — even desperation — for new tactics was palpable on the conference floor throughout the two days of proceedings, and wholly overshadowed the differences among delegates. To the observer it seemed clear that if IDASA was asked for its *raison d'être*, it need only point to the sea of concerned delegates, eschewing political posturing because the hunger for new direction is so acute.

That future tactics did not emerge in blueprint form should not have come as a surprise. More importantly, the meeting may well come to be hailed as the progenitor of an



Mr Andrew Borraine of UCT, Mr Frank Meintjies (Information Officer of COSATU) and Prof Gerry Coovadia (Vice-President of the Natal Indian Congress).

GAVIN SINCLAIR

important new phase of "broad front" anti-apartheid politics.

The conference, which brought together representatives in the spheres of politics, labour, business, religion, education and community development, focused on five key areas in which new strategies for change could be developed.

The composition of the first "political" panel excited much interest, bringing together the leaders of the Progressive Federal Party, the National Democratic Movement and the Independent Party in the immediate wake of a meeting convened by industrialist and rugby administrator Louis Luyt.

Those who expected a dramatic announcement of unity were disappointed. But there was telling agreement on the need for fresh ideas, and an inkling of openness to them which has long been lacking in white parliamentary politics. Thus the thread, to run unbroken through the conference, was immediately spun by figures from differing backgrounds.

Other areas focused upon were the roles of the church, local government initiatives, the economy, and the international arena — and in each, while there was intensive debate and disagreement, it was tempered by the shared belief in the need for new approaches.

Several leading South Africans participated, including the Congress of South African Trade Unions' Information Officer Frank Meintjies, Natal Indian Congress' Vice-President Professor Gerry Coovadia, Johannesburg Consolidated Investments' Chief Economics Consultant Ronnie Bethlehem, and the Director of Wits University's Centre for Policy Studies, Professor Lawrence Schlemmer.

The closest the conference came to a distillation of areas of accord was the concluding address — "Towards a non-racial democracy" by IDASA Executive Director Alex Borraine. He said "considerable consensus had been achieved", and isolated three broad areas of agreement which served to unify the somewhat heterodox collection of delegates.

There was acceptance, he said, of "the need to distinguish between principle and strategy" in devising new tools for dismantling apartheid. "Strategy," he said, "must not be elevated to the level of principle."



Dr Ronnie Bethlehem, Chief Economics Consultant for JCI, and Prof Pieter le Roux of the Institute for Social Development at UWC.



Some of the 350 delegates attending the conference.



Ms Melody Emmett (convenor), Mrs Paddy Clark, Ms Jane Doherty and Ms Lisa Seftel (IDASA staff who assisted with the conference). Ms Nancy Gasela was unavailable at the time, as was the regional director Mr Steve Fourie, who was responsible for the organisation of the conference.

Thus debates about the desirability of "participation", be it in national, local or regional structures, should be conducted within the framework of tactical advances, not absolute goals. In addition, he said this should allow the latitude for "genuine strategic differences between different groups engaged in the struggle for a democratic future."

The parliamentary/extra-parliamentary conundrum, he added, could best be broached by turning the traditional dichotomy on its head: "The real question is not whether parliamentary parties can accommodate the extra-parliamentary democratic movement, but the other way around — and by remembering that what happens in the wider democratic movement is more representative of the majority of South Africans than that in the hallowed halls of parliament.

"There are different conditions in the townships and the suburbs — for some, strategies are for very survival, not just change."

Boraine also highlighted a "general commitment" among delegates to the principle of non-racial democracy, but said people understood the term in different ways — another gathering was needed to "re-discover the content of the goal itself".

Expanding on Slabbert's opening caveat that "we are going to work much harder and longer (for the realisation of non-racial democracy) than we had imagined." Boraine said the time had come "for all of us to be a little more modest about our claims, more realistic". This meant "actually inventing new strategies, new ways, if we are not going to continue following slavishly those which got us nowhere in the past. We must abandon those that do not work."

There was no question, however, that the government could be induced to change by "nice, intellectual and academic" imprecations. "It is futile to think a willingness of the other side to change will occur without pressure being brought to bear on them," said Boraine. This would be one of the tasks of any new "coalition of democrats" which could be brought into being.

The viability of such a coalition could best be explored by the calling of "a smaller meeting of representatives of those involved in the anti-apartheid struggle," he said.



Mr Mark Orkin, Director of the Community Agency for Social Enquiry.

KEITH WATTRUS

Irrespective of this, however, Boraine held up "one key factor with the potential to break the (state/resistance) deadlock.

"Is there one catalyst to break the cycle of despair and violence," he asked, "and not just another strike, or school boycott, or united political party of the white left?" His answer, ringingly affirmative, was that the release of African National Congress leader Nelson Mandela was potentially just such a political accelerator.

"All the other developments might have to take place," he said, "but we have within our grasp one thing capable of breaking the deadlock . . . and on which we can unite while still in our disparate movements and groups.

"I am not saying Mandela will be the catalyst if released on compassionate grounds, or into a larger prison like Govan Mbeki. I am saying that if he is able to be released as a major statesman we can begin to edge towards the pre-negotiation period which we are not in yet.

"If it just means meetings, marches and outbursts of emotional fervour, the state will just clamp down again. I argue that we must combine all our pressures (to make the most of) someone who enjoys the support and admiration of the vast majority of South Africans . . . The government must be convinced that in Nelson Mandela they have someone who can be the catalyst for negotiation."

IDASA research consultant Lisa Seftel also isolated new strategic opportunities created by changed conditions. There seemed to be a general acceptance, she said, "that parliamentary and extra-parliamentary forces for change need to recognise each other. There is an urgent need for greater co-ordination between the two, and better organisation within the extra-parliamentary sphere.

"The need for the education of whites is more critical than ever, as is the urgency of bringing whites and blacks together, especially the youth." Seftel further stressed the challenge of focusing on "bread and butter issues — the Group Areas Act for example" as a constituent part of anti-apartheid activity.

The conference was lengthy, intensive and draining. It took a rather special intervention to ensure that it ended on a note as high as was necessary to provide the impetus for the initiatives which must of needs follow.

The words were provided by Patrick "Terror" Lekota, now convicted of High Treason and awaiting his sentence. Boraine called on the delegates to heed the United Democratic Front leader's message. Lekota wrote: "It is my genuine desire that when freedom comes, it should not find reconciliation too far to attain . . . Non-racialism as a method embodies the process of pulling blacks and whites together so that they jointly dismantle apartheid. In the process artificial suspicions, nurtured by years of apartheid myths and propaganda, are demolished.

"And when freedom comes, it will not be the victory of blacks over whites but that of the people of South Africa over an evil system that has for so long set them against one another. The non-violent path is the one that creates the greatest possibility of bringing black and white South Africans together."

A Zimbabwean Perspective on South Africa

(presented at the Strategies for Change conference).

WE all know the hidden hand behind progress towards Namibian independence and peace in Angola belongs to United States Assistant Secretary of State for African Affairs, Chester Crocker.

But we're all dead wrong.

In the view of Zimbabwean Eddie Cross, managing director of the Beira Corridor Group, the true shaper of our sub-continental destiny is none other than Soviet Premier Mikhail Gorbachev — and his interventions in the coming year will profoundly influence development within South Africa itself.

Far from being a harbinger of doom, said Cross, this fact allowed for "more optimism about Southern Africa than at any time since 1948".

Cross, a Rhodesian who was detained under the Smith regime and is now a confidante of Zimbabwe's President Robert Mugabe, made the intriguing claim in an address to the Institute for a Democratic Alternative for South Africa's "Strategies for Change" conference in Johannesburg last weekend.

In the speech, a remorseless indictment of white South Africans, Cross attacked those who dismiss the role of the international community in the process of change. "There have been dramatic changes in the West and East," he said, "and particularly in the Soviet Union. Moscow's foreign policy has altered, make no mistake.

"The real power player over Angola/Namibia has been Gorbachev, not Crocker. Gorbachev has moved the Soviet view away from support for violent change towards negotiation, and he has been in direct communication with Pretoria."

As a result, Cross predicts, "we are about to see the Gorbachev-Bush-Thatcher shuffle on South Africa.

"There will be a big power summit in the new year with South Africa high on the agenda. Then, for the first time, Pretoria will feel the combined weight of the West and East to make a deal. Pretoria is going to be driven to a solution."

SHAUN JOHNSON (Weekly Mail)

The intervention would far outweigh all other factors in the lengthy struggle between state and resistance in South Africa, said Cross. And he compared South Africa's situation to the Zimbabwean experience — "from which you (South Africans) are not learning any lessons.

"What changed Zimbabwe was the simple fact that (US Secretary of State) Henry Kissinger, with the help of SA Prime Minister John Vorster, put a Magnum to Smith's head. Now the Soviets have just done the same to the Angolans.

"Their softer policy on South Africa — a tentative acceptance of the need for the protection of minority interests, for example — will in fact give Pretoria a breathing space and, if used properly, will open a window of opportunity which must not be squandered."

Cross claimed Moscow's attitude-shift was underscored recently by the "extraordinary fact that the Soviet foreign ministry felt the need to reassure the ANC that they were not abandoning them."

According to Cross's scenario, the agendas of the superpowers as well as Britain and her European allies are in harmony for the first time — and could translate into an irresistible force.

From Pretoria's point of view, he said, a response required swift eco-

nomie restructuring towards an "open market with crash manpower training programmes", significant "social and political change" and, critically, a spelt-out "vision of the future".

Cross said profound changes in the world economy, primarily "a move away from the commodity producers", meant that "South Africa's prosperity is as thin as a wafer.

"You're always saying South Africa is Africa's one success story — in fact you're just one of Africa's disasters. You, as a country, are heading nowhere."

Describing South Africa's economy as "inefficient and unproductive" and the recent local surcharge on imported goods as a "testament to failure", Cross said the only solution was the intensive development of human resources. This was a fundamental world trend and would affect the South African political struggle more than any other dynamics, he argued.

The South African government had no choice to respond to economic forces and to intensifying international outrage, said Cross. This meant a shift away from reliance on the "total onslaught" theory, and the "horrendous, systematic destruction of neighbouring economies, destabilisation which reached a peak in the period 1981 to 1984".

As evidence of this shift, he cited "crucial growth in trade between South Africa and the frontline states, which will approach US\$300-million by the end of the year. Pretoria has the prospect of enjoying regional hegemony" if it plays its cards correctly, said Cross. "This may not be very comforting to us in Zimbabwe but it is acceptable to both the East and the West, and it will allow us at least some economic life."

He believed internal battles between South Africa's "military" and "external affairs" approaches had now been won by the latter. "There are still military hawks," he claimed, "but we think the battle has been won. This will yield substantial political and economical developments for South Africa."



Mr Eddie Cross

KEITH WATTRUS

IDASA Conference in Natal calls for basic democratic rights

THE RIGHT

PROTECTION of human rights, and in particular the right to speak, does not lie in a document but "in the citizens of a country struggling and fighting for human rights from the bottom up", according to NDM MP Peter Gastrow speaking recently at the IDASA conference on "The right to speak".

Speaking at the culmination of a day and a half conference held at the University of Natal in Durban, he was explaining and interpreting the KwaZulu Natal Indaba bill of rights in a session dealing with democratic frameworks for protecting freedom of expression.

"A bill of rights needs to reflect the rights and freedom for which people have worked and towards which they have aspired," he concluded, offering the historic joint declaration between COSATU and Inkatha as a step towards securing the right to speak.

This declaration reads in part "that all political organisations have the right to exist and the democratic right to espouse their own viewpoint."

The use of specific examples in which the issue of freedom of expression was being struggled for was a hallmark of the conference, which drew a wide spread of people together (see other story). Case studies confirmed and extended the theoretical papers given and provided participants with information often not available in the media.

One such case came movingly alive for participants as Mr J N Singh, an attorney restricted from 1963 until August this year, spoke of the effect this restriction had had on his life and that of those around him.

Unable to live or work outside the Durban magisterial district, even family holidays or the building of a house had been occasions for attempting to get ministerial permission.

For all these years a person whose name appeared on a list of those who cannot be quoted in terms of the Internal Security Act, he, to-

gether with Mr Nelson Mandela, was omitted from the list published in August this year.

Speaking during the same session as Mr Singh, Gilbert Marcus of the Wits University Centre for Applied Legal Studies led participants through the maze of laws and regulations affecting people's right to speak. This backdrop set the underlying theme of the conference: the attempt of the government to screen South Africans from both the reality of the situation and the reality of the resistance to government oppression.

"Censorship operates to shield and protect white South Africans from reality — the reality that the majority of the population are living in squalor and poverty and that years of oppression are giving vent to violent anger on an unprecedented scale," he said, pointing out that censorship must be seen not only in the more obvious laws but also in the control of school curricula, the selection of news and various other controls over the population.

Frank Meintjies of COSATU and Sefako Nyaka of the *New Nation* newspaper spelled out the manner in which the right to speak of their organisations was being controlled and restricted.

The Emergency continues to affect COSATU members in various ways," says Mr Meintjies. "There are continued detentions of shop-stewards, impromptu detentions at roadblocks, visits and threats of detention. In small towns in particular, security police behave as if COSATU is already an illegal organisation, and the harassment suffered by organisers and workers creates immense polarisation and anger."

The conference was the first major public event in the Natal region of IDASA and drew significant press attention. This was increased both by the press participation in the conference and by the timing of the event. It was held in the same week that the *Weekly Mail* was banned for one month and that

the furore over author Salman Rushdie erupted.

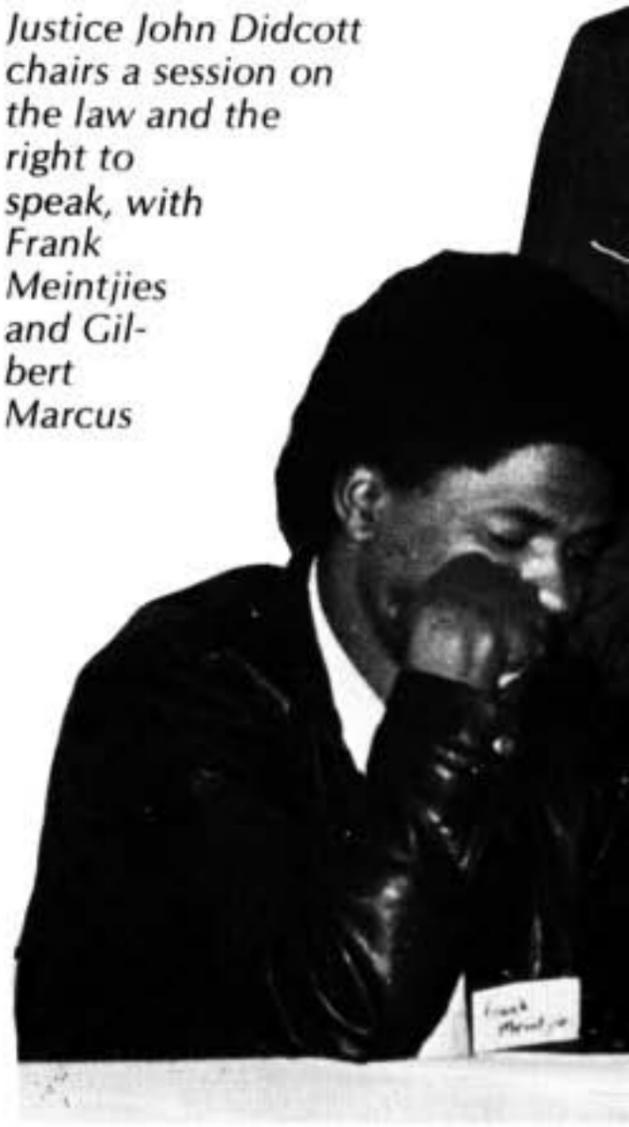
It was *Weekly Mail* editor, Anton Harber, closing the conference, who drew these two events together.

"Most crucial of all," he said "is the need to put the issue of censorship on the agenda of the democratic movement."

The controversy over the Rushdie event, in which the author's latest book was banned and his invitation to speak at a book week withdrawn, was "the clearest indication yet that the democratic movement in this country has not given serious thought and commitment to the notion of freedom of expression. If we are going to succeed in our fight against censorship, and put freedom of expression on the political agenda, we are going to have to get organisations to deal with it, take a stand on it, and join the fight for it," he said.

"The government controls information in order to control people; if they lose that control, then people will be able to think for

Justice John Didcott chairs a session on the law and the right to speak, with Frank Meintjies and Gilbert Marcus



TO SPEAK

themselves and begin planning their own future. The fight against censorship is a fight for people to take control of their situation; it is an essential fight for a different and better South Africa."

Ideological differences debated

THE Right to Speak conference provided an opportunity for a wide range of people and interest groups to meet.

A tea-time debate between supporters of Inkatha and members of student and community organisations drew its own audience in one of the extended breaks planned for conference participants.

The debate, heated at times, ended in friendly disagreement, with on-lookers and debaters surging back

into the plenary hall for a session in which the KwaZulu Natal Indaba and ANC proposals on human rights protections were to be discussed.

Journalists call for conference on the press and a democratic future

A conference of journalists and press people is essential to talk through issues of freedom of the press, concluded journalists present at the Right to Speak conference.

After a session chaired by Clive Emdon of the Natal Technikon department of journalism and addressed by Sefako Nyaka, Richard Steyn of the *Natal Witness* and Rickie Naidoo of the "Save the Press" campaign, discussion on the role of the press provided one of the highlights of the conference.

Differences over responsibility and objectivity, markets and accountability, commercial and "alternative" newspapers left specialists keen to pursue their craft in more detail.

This call was sounded again by Anton Harber in his closing speech. "One can no longer be satisfied with the simple dichotomy between 'objective' journalism and 'advocacy' journalism. We need to be thinking and developing these notions to ensure that we are developing a profession that is going to be useful and valuable during and after political change."

Earlier, Richard Steyn of the *Natal Witness* had sounded his warning against the call for the press to take sides. "Without reporting that owes

no allegiance to any cause, the ordinary citizen cannot be properly informed and there can be no proper debate on democratic alternatives."

The debate was continued in other sessions with David Niddrie, a freelance journalist, spelling out the commitment of the ANC to decentralise media control and to provide for significant interests in society, including the trade unions, to have access to their own media.

It would be seeking the widest possible debate, and according to Niddrie, believed that "dictatorship knows no better breeding ground than a sycophantic press."

The underside of human rights: corruption of truth and enforced silence

TWO presentations cut right across the issues of censorship and the right to speak, providing participants with completely different perspectives.

The first of these tackled the corruption of truth in a presentation, by the Contemporary Cultural Studies Unit of Natal University, of the disinformation campaign waged against the now restricted End Censorship Campaign, and a series of five theses on corruption of truth by Dr James Cochrane, a theologian.

"When the truth is corrupted, that is, made to be whatever suits the powers and authorities who control the means of public discourse, then a common language, shared symbols and ideals, mutually accepted ways of understanding each other are also demolished; this in turn means that the foundations of human social intercourse, and thus of the political possibility of a healed society, are eroded and ultimately ruptured," he concluded after giving a description of the corruption of truth during the Hitler regime in Germany.

Defining corrupted truth as distinct from distorted truth — distorted "wherever people's biases, material interests and socialisation limit their perspectives" and capable of management by education, exposure and debate — by the nature of the systematic curtailment and destruction of the public's right to speak and be heard, Dr Cochrane quoted Lewis Carroll in attempting



to describe what was happening in South Africa:

"The question is," said Alice, "whether you can make words mean so many different things."

"The question is," said Humpty Dumpty, "which is to be master — that's all."

The other perspective was given by educator and video producer Costas Criticos in a speech illustrated with cartoons and media images and concentrating on the "nation of refugees" which South Africa has become.

"Apartheid has stripped a nation of its citizenship — so that the majority of South Africans are refugees in their own country. The denial of political expression, education, housing and health are part of the universal experience of refugees."

He spoke of providing media literacy and access to media production as collective rights "more profound than the individual right to speak" and of the use of video to enable people to dialogue with their own situation.

Describing the use of video in presenting contrasting images to the official media in Marcos's Philippines, he pointed out that the revolution had been called the "Beta-max revolution" because of the wide distribution of this form of alternative media.



Co-Editor of the Weekly Mail, Anton Harber, closes the conference on *The Right to Speak*.



Mr Sefaka Nyaka of New Nation with Professor Keyan Tomaselli of the University of Natal.



David Niddrie (centre) talks with conference participants after providing information on the ANC constitutional guidelines.



Poet Chris Mann (right), who read his own poems at the conference reception, talks with David Marks, chairperson of the Musicians Association of Natal, and IDASA regional director, Paul Graham (convenor of the conference).

Democracy and the right to speak

DR STUART SAUNDERS

bodied in rules enforced by policemen, courts and other similar institutions';

Extra-legal censorship, 'a large number of practices not expressly authorised by the law used to affect censorship. These include such aspects as the system of bluff and bluster whereby pressure is exerted by the police and others in authority to discourage the dissemination of certain material by threatening to take legal action against the dissemination';

Voluntary censorship, whereby the individual 'without any legal authority to do so imposes upon others restrictions as to what ideas or information they may express without suffering disadvantage';

Finally, there is 'subterranean censorship', 'the situation where open intervention by Government or other public authority is avoided, but either a public authority or sometimes even a private person uses its powers to affect censorship instead.



Photo: Ken Gooch

Dr Stuart Saunders, Vice-Chancellor, University of Cape Town.

O'Higgins concludes: "Censorship thus operates in a context far broader than the mass banning of books. It is often unseen and subtle; for example, the education system, press and media have a fundamental bearing upon the moulding of beliefs and perceptions. The manipulation of these institutions is an insidious form of restricting and inhibiting the exchange of information and the acquisition of knowledge."

Our Government's attitude to censorship can be gleaned from ploughing through Hansard. For example, the Minister of the Interior in the House of Assembly debate in 1963, vol 5, column 400: "Let us realise that we are the guardians . . . of the people; we must give them . . . protection . . . particularly . . . (the) weak. You and I can judge for ourselves whether we should read this rubbish . . . and that is our affair, but we must protect the weak from themselves".

Or, the Minister of the Interior, House of Assembly Debate August 15, 1974, column 778: "One discovers very quickly who the people are whose works one should examine and who is not and what publications are acceptable and what not".

In 1983 André Brink writing on censorship and literature described censorship in South Africa as follows: "Censorship represents the protective mechanisms, and processes of the social organism in the state of excessive cancerous development. Hence in South Africa it is only one part of an overall strategy which also expresses itself in such forms as detention without trial, arbitrary bannings . . . the web of legislation controlling the press and all the awesome secret activities of the Security Police. State security which in the healthy society is a means to an end has become an absolute end in itself — and the vast fiction of a 'total onslaught' has been devised by the authorities to serve their own purpose, which is the totalitarian control of a heterogeneous multi-cultural society by a small power-drunk elite".

Denying the right to have access to Communist literature means that the dangers of Communism cannot be more clearly understood by South Africans. Denying free quotations from the members of the African National Congress results in most South Africans being in ignor-

DR Stuart Saunders, Principal and Vice-Chancellor of the University of Cape Town and a member of the IDASA Board of Trustees, gave a wide-ranging keynote address at the Right to Speak conference.

Addressing questions on the right to speak in South Africa, and referring to lessons learnt internationally and within the universities, he provided a description of the ways in which censorship operates within a society. An edited version of his speech follows.

Article 19 of the Universal Declaration of Human Rights reads: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference, to seek, receive and impart information and ideas through any media and regardless of frontiers." This right is more often observed in the breach than in its fulfilment, but it is an important statement because the right to speak and the freedom of expression are of vital importance for the well-being of mankind.

On January 6, 1941 during the dark days of the Second World War Franklin Delano Roosevelt gave pride of place to freedom of speech and expression when he said "In the future days which we seek to make secure we look forward to a world founded by four essential freedoms, the first is freedom of speech and expression everywhere in the world. The second is freedom of every person to worship God in his own way everywhere in the world. The third is freedom from want, the fourth is freedom from fear".

Censorship in its various forms is the most direct assault on the right to speak and on the right to know, and therefore erodes democracy. Professor O'Higgins of Trinity College, Dublin, has identified six forms of censorship:

Autonomous or self-censorship, 'the process whereby such factors as greed, fear, ambition, self-interest and other conscious or unconscious motives lead to an individual's refraining from expression of opinions or ideas';

Social censorship, 'ways by which groups or society as a whole discourage the expression of particular opinions and ideas';

Legal censorship, a special form of social censorship 'wherein the rules determining what may or may not be freely expressed are em-

ance of what the African National Congress says, except for those quotations which are permitted. Because the quotations are selective and not part of a flow of free information there is no certainty that the selectivity is producing an accurate reflection of the view of the ANC or whether it is not a very distorted impression that is being given. The average citizen has no way of knowing. A general uncertainty about information extends throughout the media in South Africa — Television, Radio and the Press — and the result, by virtue of the fact of information withheld, is ignorance, often fear, misinformation and rumour as I have said. Society pays a price for freedom, there is no doubt about that. The full freedom of expression does exact a price from society, but society pays a much greater price when freedom of expression is denied and ignorance, suspicion and fear reign.

Nothing except courage, decency, public-spiritedness and other similar qualities will prevent autonomous or self-censorship. In a constitutional democracy like the United States the constitution helps to protect society from the second variety, social censorship, as well as from the third or legal censorship. I must point out that even with that protection the freedom of expression is not secure from the second form of censorship.

It is in legal censorship that South Africa faces its greatest encroachment on the freedom of speech. The Publications Act of 1974 (and its predecessor) allows for the banning of publications, objects, films and public entertainments. It is recorded that the Publications Control Board had been responsible for the banning of over 26 000 works, many of which were books of accepted literary quality. The Board has been less vigorous in recent years but censorship continues to exist under the aegis of that Act.

Secondly, the Internal Security Act of 1982 contains sweeping provisions which directly or indirectly inhibit the freedom of expression in as much as it is an offence, and an offence which is subject to severe penalties, to produce or distribute publications prohibited under the Act, to present the objects of an unlawful organisation or communism in a positive light, to possess prohibited publications or publications

of an unlawful organisation, and to disseminate any speech, utterance or writing of a listed member of an unlawful organisation or a person who has been banned or silenced. Legislation such as the Protection of Information Act further limits the right of expression, as of course do the Public Safety Act and the Emergency Regulations.

The thousands of South Africans who are and who have been detained without trial are not only denied their personal freedom but inevitably the right to speak to whom they would wish when they would wish and in the way in which they would wish. Banning may result in an individual's being denied the right to speak to more than a limited number of people at a time, to address a public meeting, to enter certain properties where dialogue can take place or to publish.

It seems to me that nowadays citizens who would previously have been banned are restricted and that the restrictions can be as severe as a banning. Again this represents a serious encroachment on the right to communicate. The word restriction is a softer word if such a thing is possible and can indeed beguile the unwary into thinking that banning is a thing of the past. This is of course part of the tendency to abuse words in a society where freedom of expression is seriously curtailed.

When the freedom of speech is suppressed in society, truth and certainty go out the window. How indeed can one ensure that what one hears or reads is true if in fact the methods which have to be used to check those truths are not available? The only way in which one

can be sure that the truth emerges is by allowing freedom of communication. In the absence of such freedom rumour and speculation are rife.

Recent muzzling of the press has been one of the most flagrant encroachments on the right to communicate. It is an ominous and serious state of affairs when a Minister can ban the *Weekly Mail* with a statement that it had published material which in *his* opinion "has or is calculated to have the effect of causing a threat to the safety of the public or the maintenance of public order, or is causing a delay in the termination of the state of emergency."

Milton's *Areopagitica*, published in November 1644, is a masterpiece, an in-depth refutation of the notion that speech and communication between human beings should be curtailed in any way. Milton writes: "Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties".

If a society is denied free access to information and attitudes are moulded in a particular direction it is very difficult to change attitudes when it becomes clear to those manipulating the media that this is necessary. Beliefs may be irreversibly entrenched — a result much less likely to occur if the media are unfettered and credible.

It was J S Mills who said: "No great improvements in the lot of mankind are possible until a great change takes place in the fundamental constitution of their modes of thought". Without the freedom of speech there can be no democracy, no great improvements and no secure future for any of us.



Ronnie Govender, director of the Asoka Theatre, and Nise Malange, poet and trade unionist, who participated in a panel on culture and censorship.

Legal specialists confer on democracy and the judiciary

MARION SHAER AND SHARON SOROUR

THE value of a conference addressing the role of the judiciary and the legal profession in an unjust society is essential in heightening people's awareness of their role in a changing South Africa. As Advocate Arthur Chaskalson pointed out, the time could come when their part could become futile. The problem is that people become numb to the situation. Through open debate, academic input and media coverage of the extent that this conference had, people are reminded of the importance of the Rule of Law. The Conference, which was held at the Century Hotel in Sea Point on 14 & 15 October, was attended by 145 delegates in total.

DEMOCRACY AND THE JUDICIARY

The judiciary in an independent, democratic country has to adhere and conform to democratic principles, Namibian Advocate Anton Lubowski told the conference.

"The law itself is not a neutral body of rules but a product of political struggle, an expression of the existing political reality," he said. The political realities that inspired the apartheid and emergency laws bear witness to this.

Adv Lubowski noted that judges made choices influenced by their personal background and experience. Judges and magistrates knew little, if anything, about the fears and expectations of black people. Yet 90% of criminal cases involved

blacks sent to prison by white judges and magistrates. "Supreme Court judges tend to be an isolated elite, and are of a particular race, sex and social class," he said. "Magistrates have a built-in bias, being drawn from the ranks of public prosecutors; and the public should have access to the legal system," Adv Lubowski said. No person should be sentenced without legal representation; cases should be reported thoroughly in the lower courts; a judiciary needs a free press and all members of society should have the opportunity to know and understand the laws that affect them; detention without trial should not exist.

"The real test of a democratic judiciary is whether the people perceive it as being fair and just," Adv Lubowski said. The judiciary should serve the democratic interests of all the inhabitants, and should not follow the path of the National Party.

THE RECORD OF THE JUDICIARY

A controversial choice of speakers assured contending opinions. The conference was addressed by Prof Adrienne van Blerk from UNISA, author of the book, *Judge and be Judged*, which defends the role of judges in the SA situation; and Prof Hugh Corder of the UCT contended that judges are doubtlessly influenced by their racial and class background education and train-

ing. He further explained the executive-mindedness of the judiciary.

Prof van Blerk repeatedly admitted that the SA situation allows "little or no press freedom" but is given a distinct negative bias in coverage; and she said that misleading and incorrect reporting discredits judges.

Prof Corder sketched the historic role of judges. Positive mention was made of the influx control and industrial law developments. Security trials, however, have seen no development from the mentality of the 60s and 70s. The balance has swung back to the hands-off approach evident in the cases State President v UDF and State President v Release Mandela Campaign.

Prof Corder mentioned the mythical nature of the independence of any legal system. The judiciary is part of the dominant group of society and can only be of value where there is a representative democracy. This has been proved by the Hoexter Commission's finding that the judiciary has no legitimacy in the black society.

THE ROLE OF LAWYERS IN SOUTH AFRICA

South African judges who found the law morally indefensible should not resign, Prof John Dugard of Wits University said.

In all societies judges are faced with moral dilemmas and difficult



L to R: Prof Hugh Corder of UCT, Mr Thaabit Albertus (convenor of the conference) and Mr Mike Robertson.



Adv Jules Browde (SC) (Lawyers for Human Rights).



Adv Arthur Chaskalson (SC).



The Honourable Justice John Trengove



Prof Laurie Ackermann (University of Stellenbosch)

decisions. "Where the laws are unjust, immoral or abnormal, the dilemma was greater for 'moral' judges," he said.

Prof Dugard referred to Prof van Blerk's book which argues that the legal system in SA is not grossly abnormal. Participation of judges who perceived the legal system as abnormal and grossly unjust should be considered from an ideological and jurisprudential perspective. "Certain ideologies saw the judge simply as an apartheid tool," Prof Dugard said.

"Our law requires judges to interpret and apply the law in a constructive and idealistic manner," he said. It was difficult to call for the resignation of "moral" judges because our law still allows — or requires — the judge to advance justice in the gaps, the interstices of the law.

Mr Essa Moosa, civil rights lawyer, said, "Lawyers in a future democratic system have a vital role to play if we are to become responsible members of a new society".

Apartheid is a crime against humanity and lawyers should contribute to dismantling apartheid laws and institutions.

Lawyers would need to establish a new legal order, draft a constitution and bill of rights and devise a

legal system consistent with the new democratic order.

"The role of lawyers in a future democratic system would be to apply and interpret the new legal system," he said.

Lawyers would have to assess punishment and its purposes. "Our penal code should be to rehabilitate transgressors through an educational process," Mr Moosa said.

HUMAN RIGHTS AND JUDICIAL REVIEW IN AN EMERGENCY-ORIENTATED SOCIETY

"The principles now under attack have survived for far longer than has the present membership of the court, and they have a great deal of resilience left in them yet," was the positive conclusion Prof Etienne Mureinik delivered after two speeches which placed human rights in perspective within a state of emergency.

Prof Laurie Ackermann from Stellenbosch University explained that human rights were aimed at preventing a state from abusing its power against the individual. It was emphasised that both the right of access to legal advice and the right of access to the courts are fundamental rights. The fact that the Appeal Court has failed to protect

these rights "was therefore a betrayal of principles" and demonstrated that "the concern for fundamental rights runs shallow in Bloemfontein," Prof Mureinik stated.

States do, however, derogate from human rights in times of emergency. The first principle that must be adhered to, according to international standards, is that the magnitude of public emergency must threaten the life of the nation as a whole.

Prof Ackermann stated that the SA security legislation is out of step with Western human rights standards.

His plea was that the judiciary be given the widest possible powers of review. Martial law, or a state of emergency, should be regarded as "at the best a lamentable necessity" and conditions should be thoroughly embodied in a statute.

THE ROLE OF JUDGES IN A DEEPLY DIVIDED SOCIETY

Judges have not been able to resist the advance of discriminatory laws in order to uphold basic human rights and fundamental principles of justice, the Honourable Justice John Trengove told the conference.

He stated two reasons for this: acceptance of parliamentary sove-



Prof Gerhard Erasmus (University of Stellenbosch)



Mr Essa Moosa (NADEL)



Prof Adrienne van Blerck (UNISA)



*Prof Etienne Mureinik
(University of Witwatersrand)*



Dr Sandra Berman



*Adv Anton Lubowski
(Namibia)*

reignty and the absence of a Bill of Rights.

SA was "partially democratic" and parliamentary sovereignty was out of place in a plural society "where the legislature and executive power are vested in a minority," he said.

"A judge must administer justice to all persons alike without fear, favour or prejudice, in accordance with the law and customs of the country." According to Judge Trengove, the judge's dilemma arose when he had to administer justice in accordance with laws inherently unjust.

Judge Trengove emphasised that all members of a plural society should have confidence in the judiciary, its independence and its impartiality.

Prof Gerhard Erasmus of Stellenbosch University said that SA "was heading for a blow-out."

"There is no middle ground or shared interests and ideals in our country," he said. The law and the courts had become instruments for oppression and the State President was vested with powers of sovereignty.

"The courts were not a bastion of justice, and replacing parts of the system would not be sufficient —

everything must be replaced," he said.

THE ADMINISTRATION OF JUSTICE IN A CHANGING SOUTH AFRICA

The suggestions Adv Lubowski made at the beginning of the conference were echoed by Dr Sandra Berman and Mr Wilfred Schärf in a presentation on people's courts.

People's courts can be defined as non-state or informal courts. This is not a new phenomenon in SA and, contrary to popular belief, they are not a reaction to the current illegitimacy of the courts. They developed when colonial authorities made laws which they could not enforce and had to approach the tribal chiefs for assistance.

The townships have a network of informal courts. They are not official or regulated although they work on a street committee basis. Given the population represented by the informal courts and the number of cases they decide on, it can be argued that the state judicial system is peripheral.

The informal courts are considered problem-solvers and are not isolated from the community. The cases they hear are of a domestic nature and include custody, main-

tenance and house applications. Their major exclusion is blood cases which include severe fights and murders.

This particular session drew much interest because few people knew the facts involved in people's courts as the media has so discredited these courts.

Mr Schärf explained the accessibility of people's courts. The time when they operate is convenient, the proceedings are conducted in the mother tongue, people do not need representation, the process is cheap and no distinction is made between cases, which are simply problems that need solving.

The emphasis is on achieving reconciliation rather than alienating people. The courts also serve as a site of information exchange and education on desired morality.

Mr Schärf explained the courts as a historical manifestation which should be taken seriously. These courts promote a legal culture that starts at grassroots level and conveys norms and values of a new kind. They constitute the marriage of customary law and general law.

Adv Chaskalson closed the conference with a brief summary and pointed delegates to the needs of a new democratic South Africa.



*Adv L.A. Rose-Innes
(Chairperson)*



*Ms Christine Burger
(Chairperson)*



*Mr Wilfred Schärf
UCT — Criminology Dept*

Wat kom na apartheid?

UOVS verdedig vryheid van spraak

HENNIE SERFONTEIN

GEDURENDE die naweek van 14 en 15 Oktober is belangrike politieke geskiedenis in meer as een opsig gemaak in Bloemfontein op die kampus van die Universiteit van Oranje Vrystaat (UOVS).

Eerstens is daar 'n werkwinkel gereël deur Ordes, oor die vryheidsmanifes van die verbode African National Congress (ANC) met die tema "Wat kom na apartheid?" Ordes is 'n besprekings- en studie-groep geaffilieerd met die studenteraad van UOVS wat die werkwinkel in samewerking met IDASA aangebied het.

Tweedens was dit 'n heel belangrike oorwinning vir die beginsel van vryheid van spraak en ope gespreksvoering oor belangrike en sensitiewe politieke sake. In dié verband alle lof aan die universiteits owerhede, en veral die uittredende rektor Prof. Wynand Mouton en die aangewese rektor Prof. F.P. Retief, wat heel moedig 'n besliste beginselstandpunt ingeneem het.

Nieteenstaande geweldige regse druk en 'n poging van 40 AWB studente om die werkwinkel fisies te ontwig, het hulle onwrikbaar voet by stuk gehou, en geweier om die werkwinkel ter elfde ure te verbied. Die nodige veiligheidsmaatreëls is getref om dit te laat voortgaan onder beskerming van universiteits wagte en die polisie.

Die werkwinkel is bygewoon deur byna 200 studente en dosente. Die feit dat só 'n omstrede onderwerp oor die omstrede ANC — slegs die naam daarvan laat die regering se bloeddruk gevaarlik die hoogte inskiet — in Bloemfontein gehou is, is nie sonder simboliek nie. Want nie alleen is Bloemfontein die hoofstad van die Oranje Vrystaat wat die beeld het as die mees konserwatiewe en verkrampde provinsie, 'n bastion van Afrikaner nasionalisme. Dit is ook die plek waar in Desember 1912 die ANC gestig is, die oudste moderne politieke organisasie in Afrika, en waar die Nasionale Party, vandag in 'n bittere konflik met die ANC gewikkel, self twee jaar later gestig is.

Bekende UOVS studenteleiers was saam met André Zaaiman, die

skakelpersoon van IDASA met universiteite, betrokke by die organisasie van die werkwinkel. As sprekers, het opgetree mense soos dr. Van Zyl Slabbert, dr. Beyers Naudé, wat die openingsrede gehou het, prof. Lourens du Plessis, prof. Sampie Terreblanche, prof. Elwil Beukes en mnr. Saki Macozoma, van die Suid-Afrikaanse Raad van Kerke. Aspekte wat hanteer is en lewendig gedebateer is, is onder andere blanke vrede, menseregte, individuele regte en groepregte en die "Afrikaner en die Vryheidsmanifes".

Dr. Naudé het gesê dat die Afrikaner 'n besondere verantwoordelikheid het in 'n post-apartheid bestel om mee te werk om 'n nierassige demokrasie te help vestig. "Die Afrikaner het beslis 'n bydrae te lewer, en as ons bereid is om na die kritiek van swartes te luister, sal hulle ons aanvaar." En oor blanke vrese het mnr. Macozoma gesê: "Ons kan onderlinge wantroue besweer as ons valse mites kan afbreek."

Die Vrydagoggend voor die konferensie begin het, was daar konsternasie en beroeringe op die kampus. Twee naamlose smeerpamflette wat dr. Naudé en André Zaaiman belaster het, is op die kampus versprei. Dr. Naudé is voorgestel as die versinnebeelding van die "kommunisme en anti-Christ", en die werkwinkel is skerp veroordeel as 'n ondermyning van die Afrikaner.

Ook het 'n afvaardiging van beswaarde konserwatiewe ouers prof. Mouton gaan spreek in 'n poging

om die werkwinkel en spesifiek die Naudé toespraak te verbied. Prof. Mouton se standpunt was heel duidelik. Hyself hou nie van die tema nie, hy sou self dit nie georganiseer het nie en stem nie daarmee saam nie. Maar hy het daarop gewys dat vroeër vanjaar AWB leier mnr. Eugene Terreblanche ook 'n vergadering toegesprek het. Baie studente en dosente was bitter daarteen gekant. Maar hy het dit toegelaat terwille van 'n ope debat oor die hele politieke spektrum, en daarom weier hy om die werkwinkel te verbied.

Maar die aand het 'n groep van 40 AWB studente, die meeste met kakie uniforms aan, die saal beset 'n uur voordat dr. Naudé die werkwinkel sou open. Pogings van die organiseerders dat hulle die saal moet verlaat aangesien slegs persone wat vooraf geregistreer het, toegelaat sou word, het misluk.

Daarop het prof. Retief namens prof. Mouton — omdat hy by 'n ander vergadering besig was — die AWB belhamels gekonfronteer. Prof. Retief het vreesloos prof. Mouton se standpunt soos hierbo gestel, uiteengesit.

Hy het gesê UOVS sal nie toelaat dat enige vergadering op sy kampus ontwig word nie, soos wat die afgelope twee jaar op liberale Engelsprekende kampusse gebeur het nie.

Die AWB het egter geweier en voortgegaan om die saal van byna twee uur te beset. Maar sonder dat hulle daarvan bewus was, is blits snel ander reëlings getref en kon die werkwinkel ongehinderd voortgaan in 'n saal op die onderste vloer, onder strenge veiligheids reëlings.

So is in die hart van die Vrystaat 'n oorwinning behaal vir die beginsels van vryheid van spraak en politieke verdraagsaamheid, twee beginsels wat die Nasionale Party regering alreeds vir dekades verkrag.



Dr Beyers Naudé — een van die sprekers.

Media Werkswinkel in Wes-Kaap

'N STREEKSGEBONDE werkswinkel rondom die kwessie van die vryheid van die pers het op Saterdag 8 Oktober 1988 in Stellenbosch plaasgevind. Dié werkswinkel was 'n gesamentlike projek van die Stellenbosche Aktuele Aangeleentheidskring (SAAK) en die Instituut vir 'n Demokratiese Alternatief vir Suid-Afrika (IDASA).

Die oogmerk van die werkswinkel was om te fokus op persvryheid in Suid-Afrika. Daar is ook gekyk na die regsimplikasies van persbeheermaatreëls en moontlike verdere stappe wat teen die pers geneem kan word deur die huidige regering. 'n Verdere doel van die werkswinkel was om media-mense in dié streek bymekaar te bring en geleentheid te gee om inligting en ervarings te deel.

Die werkswinkel is bygewoon deur 32 afgevaardigdes van verskillende publikasies en media-projekte. Hierdie media-projekte en publikasies het ingesluit *Die Suid-Afrikaan*, *South*, *Grassroots*, *New Era*, *Saamstaan*, *Democracy in Action* en *Molo Songololo*. Verskeie verteenwoordigers van studente-publikasies, waaronder *Die Matie* (publikasie van die studente-unie van die Universiteit van Stellenbosch), *Kampuskruis* ('n Christelike publikasie op Stellenbosch) en *Anderkrant* (die publikasie van NUSAS-Stellenbosch) het ook die werkswinkel bygewoon. Lede van die Save The Press-komitee was ook teenwoordig.

Die werkswinkel het afgeskop met 'n breë inleiding deur Chris Heymans (Rhodes) waarin hy aangetoon het dat staatsmag in Suid-Afrika toenemend gesentraliseer word. Parallele strukture soos die Nasionale Veiligheidsbestuurstelsel speel hierin 'n groot rol. Mnr. Heymans se referaat is opgevolg deur 'n referaat oor die omvattende beperkinge waaronder die pers in Suid-Afrika gebuk gaan. Hugh Corder (Universiteit van Kaapstad) het daarop gewys dat daar 'n doelbewuste poging is om wettige gapings rondom publikasies toe te stop. Die gevolg is toenemende drakoniese

maatreëls en minder geleentheid tot handhawing van 'n relatief-vrye en onafhanklike pers in Suid-Afrika.

Die referate is opgevolg deur 'n paneelbespreking. Tydens die bespreking het verskeie publikasies gewys op stappe wat teen hulle geneem is vanaf owerheidsweë om hulle te muilband of om publikasie van gegewens te bemoeilik. Die gehoor kon op dié manier eerstehands verneem van die druk wat op die media in Suid-Afrika uitgeoefen word.

Hierna het Eric Louw van die Kontemporêre Kulturele Studie-Eenheid van die Universiteit van Natal die huidige ontwikkelinge in die media-wêreld tot bespreking gebring.

Demokratiese en deelnemende media-strukture, breë gemeenskapsbetrokkenheid en die produktiewe benutting van media-gapings is bespreek.

Daar is aangetoon dat inisiatief en volhardende deelnemende media-tegnieke publikasie moontlikhede kan vergroot — selfs te midde van die bestaande onderdrukkende wetgewing. Mnr. Louw se referaat was 'n voorbeeld van 'n hoopvolle en kreatiewe uitkyk op die toekoms

van die media. 'n Indringende groeps- en vloerbespreking het gevolg.

Die werkswinkel het daarin geslaag om Afrikaans, Engels en Xhosatalige gemeenskaps- en studente-publikasies bymekaar te bring. Dit het gelei tot die uitruil van inligting en ervaring. Dit het ook die deelnemers se vasberadenheid versterk om te werk vir 'n vrye, nie-rassige demokratiese Suid-Afrika: 'n Suid-Afrika vry van apartheid en die reste daarvan. Die terugvoer wat deur geskrewe en mondelinge evaluasie verkry is, het daarop gedui dat dit 'n funksionele en geslaagde werkswinkel was. Die deelnemers se voorstelle dat verdere werksinkels van dié aard gedurende 1989 behoort plaas te vind, verdien tans aandag.

SUMMARY:

This regional media workshop brought together 32 people from 12 publications for an intensive one-day workshop on press freedom. Participants came from Afrikaans and English community and student media. In a written evaluation the participants gave the workshop a 73% average rating and suggested further such workshops.

Recent IDASA Occasional Papers

7. **THE DYNAMICS OF REFORM & REVOLT IN CURRENT SOUTH AFRICA**
Dr F. van Zyl Slabbert
A Three Part Talks Tanner Lecturer, Brasenose College, Oxford, October/November 1987.
Lecture 1: From Apartheid to Reform: The Ideological Preparation for the Total Onslaught.
8. **THE DYNAMICS OF REFORM & REVOLT IN CURRENT SOUTH AFRICA.**
Dr F. van Zyl Slabbert
Lecture 2: The Dynamics of Reform: Co-Optive Domination — Sharing Power without Losing Any
9. **THE DYNAMICS OF REFORM & REVOLT IN CURRENT SOUTH AFRICA**
Dr F. van Zyl Slabbert
Lecture 3: The Dynamics of Reform: Patterns of Resistance and Revolt.
10. **DAKAR REPORT BACK**
Dr Alex Boraine, Executive Director, IDASA, Cape Town (4.8.87).
11. **THE DAKAR REPORTS: RESPONSES FROM SIXTEEN DELEGATES**
12. **A VIEW OF THE ECONOMY BEYOND APARTHEID**
Five Perspectives from the Seminar held on 22.4.88 in Cape Town.
13. **BEYOND THE BEND: SOUTH AFRICA, SOUTHERN AFRICA AND NAMIBIAN INDEPENDENCE**
Peter Vale, Research Professor & Director, Institute for Social and Economic Research, Grahamstown (October 1988).

ALL AVAILABLE AT R2,00 EACH (POSTAGE INCLUDED) FROM
IDASA, 1 PENZANCE ROAD, MOWBRAY 7700

Non-Racialism vs Multi-Racialism

IDASA public debate in Port Elizabeth

MAXWELL MAMASE

ROB Midgley of the Law faculty at Rhodes University addressed this gathering on 18 October 1988 at the IDASA offices in Port Elizabeth. He noted that multi-racialism, by which apartheid can be disguised, has been entrenched by the tri-cameral constitution. The Nationalist Party, enjoying a majority status in the House of Assembly, dominates the various houses of Parliament even though these appear to have equal power. The President's Council is a further built-in safeguard for the interest of the Nationalist Party, control and manipulation of which is "policy-guarded" by entrenched multi-racialism.

Multi-racialism embodies cosmetic concessions on the one hand while being a manifestation of arrogance on the other. This is also true of government at the third-tier level where the emphasis is again on groups divided on the basis of "genetic-engineering".

Howard Varney, a Port Elizabeth lawyer, provided a "progressive" critique of multi-racialism. He said that divide-and-rule was the object, control of power ensuring that the "haves" are not challenged by the "have-nots". By careful design control falls into the hands of a few, while maintaining a façade of mutual co-operation and co-existence. Inherently deceitful, multi-racialism has to try to hoodwink the general population; those who attempt to expose the system are made to feel the heavy hand of repression. The key purpose of multi-racialism is thus obviously control of power.

Dr Ian Phillips of Natal University spoke of non-racialism and democracy as political terms which, like societies in general, don't remain static but develop over time. Democracy is a double-sided phenomenon concerned on the one hand with the change of state power and

on the other with the restructuring of civil society. Democracy can only be constructed through the efforts and participation of individuals and communities at the grass-roots level. This, coupled with universal ideas of human rights and dignity, will suffice to rectify the social and political injustices in South Africa. Apartheid, racial discrimination and inequality will have to make way for a non-racial democratic South Africa which itself must of necessity be fashioned

now and not after some magical transference of power or according to some conference-produced blueprint.

The non-racial notion makes no distinction in terms of race, colour or creed, all people being treated as human beings and equal in the eyes of the law. The process of creating a democratic South Africa is already becoming a reality in the townships, factories and schools but can only proceed with the participation of millions of South Africans.

Update on steps being taken towards Monde Mtanga's release

KEITH J WATTRUS

SINCE the last issue of *Democracy in Action*, IDASA's attorneys have successfully lodged an application for leave to appeal against the judgement handed down on 28 September 1988 in the Port Elizabeth Supreme Court. In the prior judgement permission to allow Monde, along with the Security Policemen who had filed opposing affidavits, to lead oral evidence was refused.

Leave to appeal against this decision now having been granted, urgent application has been made to have the appeal heard before the end of 1988. This appeal will be to a full bench of the Eastern Cape Division of the Supreme Court, which bench sits in Grahamstown.

Should we be successful in the Appeal then the Court of Appeal will direct the Port Elizabeth court to refer the matter for oral evidence to be led so that the Court might hear the evidence of the parties prior to making a decision with regard to the application for Monde's release. We do not anticipate that the oral evidence will be given until February 1989, even if the Appeal is heard during the course of this year.

Monde Mtanga, a regional co-ordinator in the Eastern Cape office of IDASA, has been detained without trial since 10 December 1987. **As we enter the Christmas season we remember Monde and the many who, like him, are being held in detention without trial, and pray for their speedy release.**

Xmas Greetings

The directors and staff of IDASA extend compliments of the season to all the readers of *Democracy in Action*, with the wish that 1989 may bring about the dawn of a true democracy in South Africa



Mr Monde Mtanga — in detention for a year.