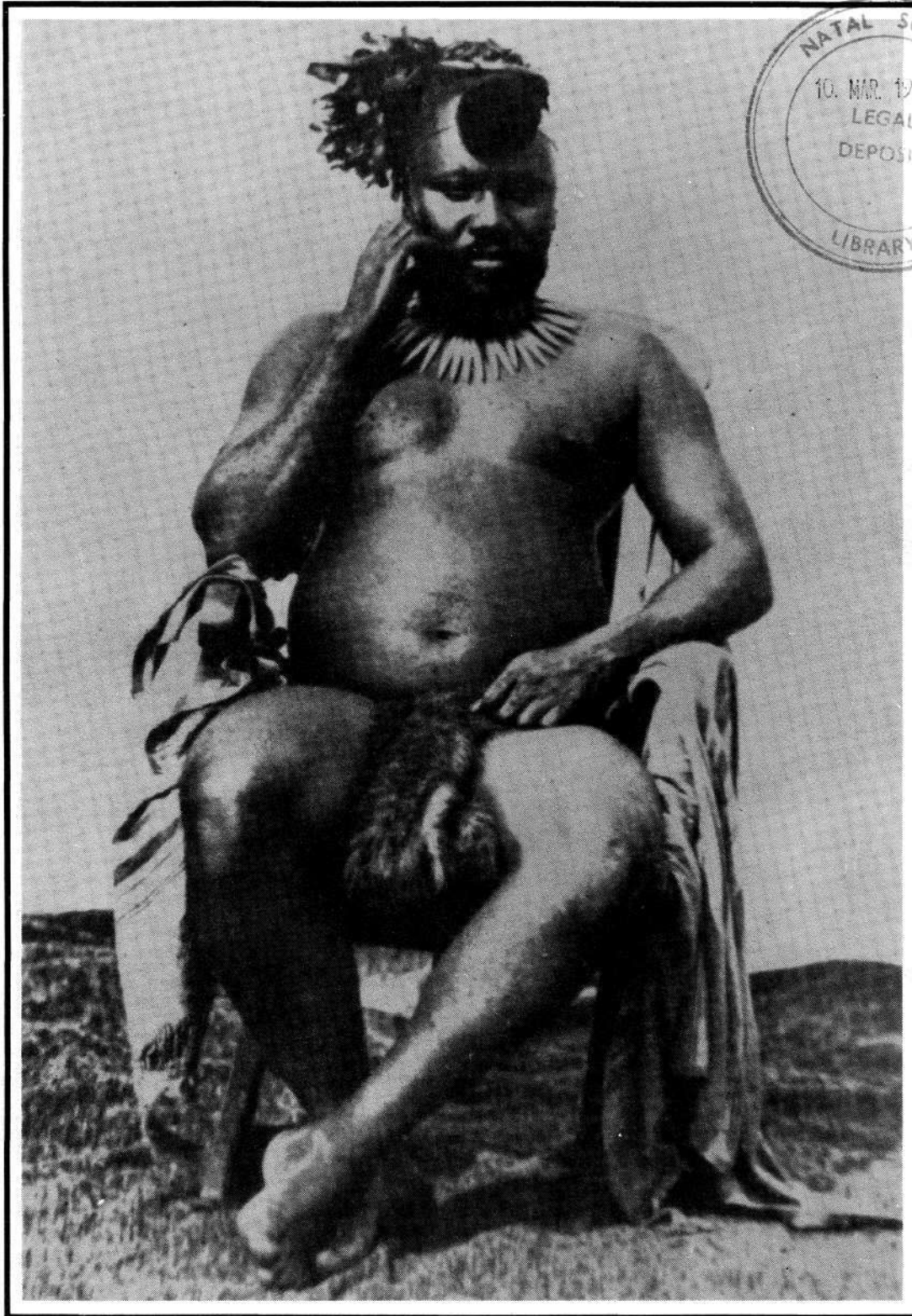


reality

MARCH 1984

90 cents



Cetshwayo kaMpande

A JOURNAL OF LIBERAL AND RADICAL OPINION

in this issue . . .

EDITORIAL: Talking to Maputo	2
RETRIEVING THE PRE-COLONIAL PAST : A review of Wright and Manson's The Hlubi Chiefdom in Zululand – Natal by Carolyn Hamilton	3
TEACHERS IN COMMUNITY : The NEUSA Conference by Michael Gardiner	5
APARTHEID IS A HERESY by R.G. Clarke	7
BLACK PEOPLES PENSIONS : A review of the Human Awareness Programme Special Report by Loretta van Schalkwyk	10
THE "YEAR OF CETSHWAYO" REVISITED by Peter Colenbrander	12
TERRORISTS, GUERRILLAS, FREEDOM FIGHTERS AND OTHER THINGS THAT GO BUMP IN THE NIGHT Part 2 by Michael Cowling	14
BOOKS RECEIVED	19

COVER PICTURE – NATAL ARCHIVES

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EDITORIAL

TALKING TO MAPUTO

The recent contacts between South Africa and Mozambique and the sporadic meetings between South African and Angolan representatives, followed by the recent pull-back of South African forces in Southern Angola, and talks of a ceasefire there, raise the question – if South Africa has been engaged in a policy of destabilising its neighbours, is this policy now beginning to achieve something? And if it is, what is the real aim of this highly dangerous exercise?

It seems now to be generally accepted by competent observers overseas and by many at home that, since the collapse of the Portuguese Empire, South Africa or its proxies have been increasingly active in covert operations of a military nature over most of the Southern African region. The South African authorities have consistently denied any such involvement. What they have not been able to deny have been their raids on Maseru and Maputo, and the land attacks in Southern Angola which have seemed, in recent years, to be becoming regular annual

events. Instead they have insisted that, in the first two instances, these were raids on ANC bases and, in Angola, that these were pre-emptive strikes to forestall plans for major SWAPO infiltrations into Namibia. Support for UNITA and the Mozambique National Resistance has never been admitted. Nevertheless many commentators are emphatic that it is taking place on a large scale. The position with regard to Zimbabwean dissidents is more obscure but there is at least some evidence that they have been given help.

The important question is this. If there is clandestine support for anti-government movements in Angola, Mozambique and Zimbabwe, is it merely an extension of the ANC/SWAPO raids with the limited objective of persuading those of South Africa's neighbours who harbour people hostile to her to stop doing so? Or does the policy go much further? Is it really aimed at toppling unfriendly regimes in the region and replacing them with friendly

ones? The question takes on a new significance in the light of the Russian reaction to the most recent Angolan incursion which carried the clear warning that South Africa could go so far in its raids into and occupation of Southern Angola but that any attempt to topple the Angolan government would provoke a much greater Russian commitment to that country. This commitment might not be militarily significant for the moment but could have important long-term consequences for the whole Southern African area.

If South Africa's aim is simply to eliminate ANC and other bases from near its borders then it has achieved considerable success this past year. Lesotho has been obliged to get rid of many of its South African exiles and in Swaziland the palace coup has brought to power a group which is not likely to provide a haven for cross-border raiders. The first indication of whether it is "terrorist bases" or "unfriendly regimes" which are the South African target should come as the motive behind the recent Angolan moves becomes clearer and as the talks between Pretoria and Maputo develop. For however much **tourism** may be on the Maputo agenda, **tourism** and **terrorism** just don't mix, and we can surely take it for granted that what both sides will really be talking about will be the threat to their security. If South Africa agreed to withdraw its rumoured sponsorship of the MNR in return for Samora Machel agreeing to close down bases for armed attacks on South Africa, even though neither admitted to it publicly, the

setback to those involved in carrying the "armed struggle" into South Africa would be enormous. It is highly unlikely that Zimbabwe would provide alternative bases, and Botswana has never shown any inclination to do so. Only Angola would remain committed to supporting armed attacks on South Africa and even there recent events suggest (not for the first time, of course) that some sort of accommodation may be coming closer, and this commitment withdrawn.

It is possible then that South Africa's military power may soon achieve for it a buffer zone around its borders through which raiders from outside will find it increasingly difficult to penetrate. If hand-in-hand with that goes an increase in trade and a boost to the economies of countries like Mozambique, South Africa may have won for itself a respite from armed attack which could last quite a long time.

But will it last for ever? Surely not, unless whatever time is won is used quickly to create conditions here which will satisfy the reasonable aspirations of most of our people. We have a very long way to go in an entirely new direction before we will do that. And if the real aim of South African policy is to topple unfriendly regimes and the recent moves over Angola and Maputo are just an elaborate ploy to silence some of President Reagan's critics as he seeks re-election, then you can be sure that there will never be peace on our borders. □

reviewed by CAROLYN HAMILTON

RETRIEVING THE PRE-COLONIAL PAST

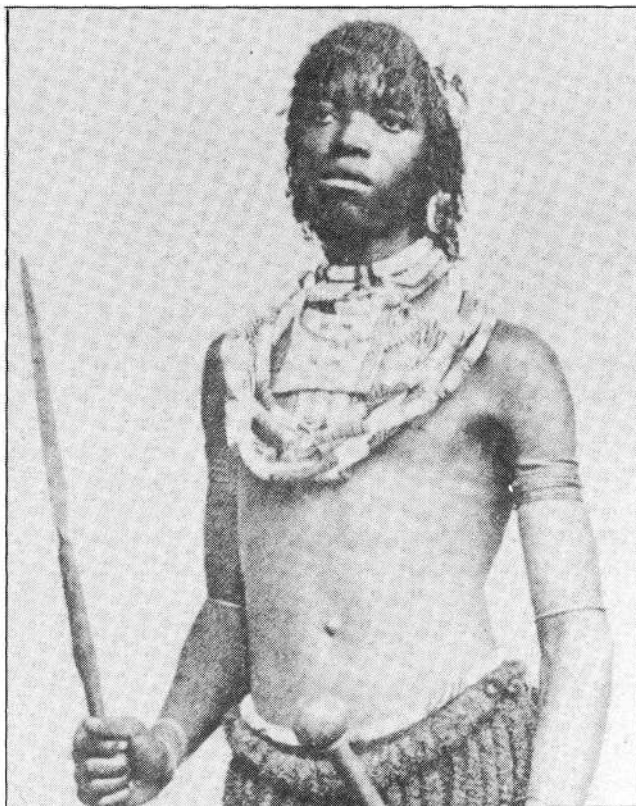
THE HLUBI CHIEFDOM IN ZULULAND-NATAL

John Wright and Andrew Manson
Ladysmith Historical Society
1983
Tugela Press, Ladysmith
R6,00

This slim history (only 99 pages) of the Hlubi chiefdom of Zululand-Natal was first commissioned in 1974 to illuminate the 'Hlubi side' of the Langalibalele 'rebellion' of 1873. In the course of research its scope has been considerably broadened. Wright and Manson have both extended their account back in time to examine the genesis of the chiefdom, and have situated the events of 1873 within a historical analysis of the changing material conditions of the Hlubi people over time.

The account illuminates the uniqueness and significance of the Hlubi experience, within the wider context of events in Zululand and Natal. This balance is achieved by integrating a systematic exposition of intra-Hlubi relations with an account of the chiefdom's external relations with the Zulu kingdom, the colonial state and the settlers.

In the early chapters, Wright traces the evolution of the chiefdom from its earliest origins over two centuries ago.



A Hlubi youth with his hair done in the iziyendane style.

He chronicles its migration from the Lubombo mountains into northern Natal and the steady rise in the fortunes of the group under successive chiefs. This process culminated in the reign of the renowned Bhungane, of whom it was said

Nselo was a great king, yet far mightier and better was his son Bhungane. (pg. 4)

The rigorous, if demanding account which results provides a fascinating glimpse of the very remote past of southern African society, and an exciting taste of the peculiar craft of the precolonial historian.



Chief Langelibalele and seven of his sons in captivity in Pietermaritzburg in 1874.

In the ensuing chapters, attention is turned to the tensions underlying the eventual dissolution of Bhungane's chiefdom, the rivalry between the various factions contending his succession, and the final blow of the *izwekufa* - the breaking up of the nation and the dislocation of much of Zululand and Natal - which accompanied Shaka's rise to power. The fortunes of the various Hlubi fragments are followed in some detail. The chiefdom's revival under Dingane and events leading up to the flight of the Hlubi into Natal in search of colonial protection are then traced.

Settlers fears

With the entry of the Hlubi into the complex web of colonial politics, the authors develop a familiar theme, that of the attempted dislocation and removal of peasant communities in response to settler fears, their land and labour needs, and their concern over African market production. At first, this was effectively resisted by the

Hlubi, who grew and prospered in upland Natal. By the 1870's however, the authorities were obliged by mounting settler antagonism to act decisively to dismantle the chiefdom. As Shepstone, then Secretary for Native Affairs remarked,

The whole tribe, it seems to me, must be removed, from where it is and dispersed among the farmers. (pg. 65)

The authors suggest that Shepstone's eventual success in 1873 must also in part, be ascribed to the surfacing of tensions within Hlubi society itself. Old forms of authority were altered and undermined by changes in the material conditions of Hlubi life generated by colonial legislation and Hlubi involvement in the wider capitalist economy of South Africa.

Casum belli

In a compelling account, events leading to the confrontation of 1873 are vividly recounted. The chief thrust of this section is to question the legitimacy of the *casum belli* employed by the authorities: the charge of treason levelled at the Hlubi chief, Langelibalele. Wright and Manson suggest that the chief was manoeuvred into a situation in which confrontation was inevitable.

The special place of the Langelibalele 'rebellion' in white settler mythology derives from the death of three white volunteers at the top of the Bushman's Nek Pass.

The news sent a shock of fear and rage through the camp, and, as it burst upon the colony, through the whole settler community. For the first time in the colony's history, whites had been killed in war with blacks. (pg. 66)

A short description follows of the travesty of justice which was Langelibalele's trial, his imprisonment on Robben Island and the eventual succession of his son and heir, Siyephu. The final pages comprise a chilling account of the ultimate fate of the leaderless Hlubi. It was a stunning success for the colonial authorities

... it had allowed the interests of the government and the colonists of Natal to triumph over those of the Hlubi chiefly house and its adherents and a prosperous emerging peasantry to be destroyed. (pg. 80)

Through their firm focus on an African society set in the framework of materialist analysis, Wright and Manson provide a much needed alternative to earlier albocentric settler and liberal historiography, and to the maudlin parochialism of earlier local histories. Their study demonstrates the viability of retrieving the precolonial past of a specific group such as the Hlubi, and its importance for the proper understanding of the colonial experience of such a group. This type of local study which distinguishes between the particular historical experiences of different groups in Zululand-Natal is necessary now (more than ever before), so as to counter the prevailing notion - imposed by the South African state and currently reinforced by the Kwa-Zulu authorities - of a monolithic history and a homogeneous Zulu ethnic identity. □

TEACHERS IN COMMUNITY

The National Education Union of South Africa and Current Educational Issues:

A report on The 1983 Annual Conference

The third annual conference of the National Education Union of South Africa (NEUSA) has confirmed that the organisation can play an important role in achieving unity among teachers in South Africa.

NEUSA regards 'South Africa' as the territory defined by the boundaries of the Republic as on 31st May 1961, and since NEUSA is committed to working towards a united, democratic country, teachers in the so-called 'homelands' are regarded by NEUSA as members of the South African teaching community. Furthermore, NEUSA's non-racialism — one of its more distinctive characteristics — means that it draws its membership from all education systems and has as its explicit aim the formation of a single, non-racial teacher organisation.

In its present position, NEUSA still maintains the policy of dual membership for teachers — teachers who belong to uni-racial organisations are eligible for NEUSA membership — but this is clearly an interim situation since the aim of NEUSA is the achievement of one education system for all in which considerations of language, community concerns and regional interests are acknowledged but not regarded as basic, organising principles.

Since its inception, NEUSA has developed from the goal of 'one education system now' — as a response to the education crisis of 1980 — to the position where it is presently working for the complete transformation of education in the context of a South African society restructured upon democratic and economically just bases. This commitment to both education and social change is not mere rhetoric, for NEUSA has developed working relationships with educational, community, worker and student organisations, relationships which have presently culminated in membership of the United Democratic Front.

The commitment to such a position leaves many questions still unanswered but it has resulted in a particular view of the role of teachers in the context of the continuing crisis in all sectors of South African education which cannot be explained nor resolved — as more and more teacher organisations are ready to acknowledge — in either purely or exclusively educational terms. Teachers are viewed by NEUSA as members of society, as people in communities who have contributions to make as citizens as well as the specific function as educators of the young and the unlearned. In his keynote address, Joe Phaahla (past president of AZASO and currently UDF executive member) said that in the campaign for justice and democracy in South Africa, teachers are in a unique position to challenge

the ideologies which the present education systems uphold. But teachers cannot have sufficient influence unless they organise themselves to this end and their organisation cannot in itself be adequate unless it is linked to a broad front of groups committed to the achievement of change in the whole of South African society.

Such an understanding of the situation has led to NEUSA's co-operation with AZASO and COSAS in the work of formulating an education charter for South Africa. Every stage of the De Lange Report's development has confirmed NEUSA's original conviction that that is no solution to the state of education here. The recently published White Paper on education confirms that the interests of the apartheid ideologues, the technocrats and those of the private sector (as the major sources of influence) are the only ones being taken into significant account. Thus reformist developments at constitutional and educational levels — which are very closely linked by current state policy — are vigorously opposed by NEUSA and by like-minded organisations. As an alternative, the working out of the process of arriving at an education charter is being undertaken by NEUSA in conjunction with other organisations. It must be noted that it is not the production of a document with fine-sounding sentiments that is aimed at: the process of discussing and articulating what could be the most appropriate form and system of education for this country is proceeding in many centres, drawing in a wide range of organisations and interests in the process of establishing representative and viable concerns expressed as intentions for an educational future in South Africa.

NEUSA is not the only teacher organisation which has expressed the intention of linking teachers in this country. JOCTASA has produced a 'charter for teacher unity' and it has consulted a number of teacher bodies on this question. NEUSA's response to these proposals is an expressed willingness to participate in a conference of teachers on this matter, but that there are many issues on which greater clarity is needed before agreement is likely. The stance towards the new constitution is one such issue, support for the UDF is another. NEUSA has always opposed a federal linking of teacher organisations, believing in the greater effectiveness and appropriateness of one, single, united teachers' organisation. But this stance has not precluded NEUSA's support for TASA's anti-SAIC campaign, for example, nor NEUSA's participation in the efforts to bring the bannings and the atrocities in the Ciskei to an end.

In addition to concern with policy positions such as those described above, the conference in Pietermaritzburg gave most of its time to the discussion and planning of activities of direct, practical concern to teachers. The development of subject workshops for teachers, linked to acutely needed resources centres drew the interest of most of the participants. It must be noted that support for teachers and students who are committed to non-racial attitudes and practice was expressed by the conference; and the nature of the subject workshops and resources centres, as they develop, will be determined by the focus upon material and techniques which will assist those teachers to overcome the difficulties of their present situations. In a similar sense, the continuing work of the teachers' advice bureaux is intended to provide teachers with the capacity to resolve many of their difficulties themselves, armed with information and in conjunction with other teachers. At the suggestion of Paddy Kearney — the other main speaker at the conference — a research group will collect accounts from teachers of their experiences in a variety of educational circumstances. A publisher has already expressed interest in such a collection. Other interest groups at this conference were on publications and adult education, two areas of concern which are specifically linked to NEUSA's interests. Although the topic was not given particular attention on this occasion, the question of education in the rural areas has been a continuing issue in the minds of NEUSA members, since 70% of the black schools are outside the towns and because so little is actually known of the situations of teachers, pupils and their parents in the country districts.

The declining quality of black education and the persistent unrest in educational institutions has given NEUSA reason to focus on these issues as part of its campaign for a just education system in a free and democratic South Africa, and hence the conference took a decision to support student organisations in their efforts to represent and organise students involved in the widespread dissent. NEUSA believes that it is imperative to reiterate the point that the hostility towards the present educational situation goes well beyond questions of facilities, the qualifications of teachers or comparability with other education systems. The recent outcry over the black matric results, as well as the parent and student anger at the high failure rates at all levels call the entire system, including the validity of the results, seriously into question. NEUSA has determined to persist in making doubts of this kind open and public.

The conference instructed the executive to ensure that students at all teacher-training institutions be informed about NEUSA and here co-operation with organisations like NUSAS and AZASO is paramount. Although students

at 'white' colleges and universities are encouraged or assisted by the administrations of such institutions to join the South African Teachers' Council for Whites (a practice which NEUSA finds impossible to reconcile with some of the stated attitudes towards education by many of those institutions) the recent White Paper on education makes clear that eventually all teachers will have to become members of a racially based teachers' council. NEUSA is opposed to the ethos and purpose of such a council and will continue to campaign against it.

The other question discussed at the conference was the expansion of NEUSA, particularly the establishment of new branches and the enrolment of teachers in large numbers. NEUSA now has the organisational resources to expand even though it finds the raising of funds a difficult process. Centres of support exist throughout South Africa, and since NEUSA has joined the grouping of educational organisations within the UDF, it has access to teachers on a wide front. Organisational growth and development are likely to characterise the next phase of NEUSA's history, with increasing support in the Cape and in Natal.

The optimistic tone of this description of NEUSA in the fourth year of its development is not unjustified despite the very bleak realities of the South African situation. Teachers are harassed because of NEUSA membership, there is sometimes strain on the resources of the organisation, and the field in which NEUSA works is extremely complex and demanding. The politics of teacher organisations are notoriously divisive and rancorous; education authorities are suspicious and defensive, and questions of education are always contentious. As NEUSA gains in experience it draws increasing confidence from those organisations which have determined to work, against massive opposition, for a just and democratic society. It is NEUSA's aim to contribute what it can towards that goal.

Explanations of the acronyms used:

AZASO	Azanian Student's Organisation
COSAS	Congress of South African Students
JOCTASA	Joint Council of Teachers' Association of South Africa
NEUSA	National Education Union of South Africa
SAIC	South African Indian Council
TASA	Teachers' Association of South Africa
UDF	United Democratic Front

The term 'student' is used for scholars and for students in tertiary education — a custom in South Africa. □

APARTHEID IS A HERESY

"Apartheid is a heresy". This was the historic declaration made by the World Alliance of Reformed Churches (W.A.R.C.) at Ottawa in August 1982. This review article of a recent book under that title seeks to explore some of the implications of this declaration for the South African churches in 1984.

The Churches' Judgement on Apartheid in 1948.

Firstly it needs to be seen that the statement "apartheid is a heresy" differs from all previous condemnations of racism by the churches. When the National Party came to power in 1948 its manifesto claimed that the policy of apartheid was "separation on Christian principles of justice and reasonableness".¹ Authoritative statements by assemblies and synods of churches in South Africa as well as those of world confessional organisations have consistently challenged this claim. However, such official church statements condemning apartheid stopped short of saying that apartheid is a **heresy**. For instance a resolution of the Lambeth Conference of Anglican Bishops in 1948 said that "discrimination between men on grounds of race alone is **inconsistent with the principles of Christ's religion**".² In the same year the Congregational Church in South Africa said that apartheid "has no sanction in New Testament Scriptures",³ whilst the General Assembly of the Presbyterian Church of South Africa expressed a political judgement in addressing a resolution to Dr. D.F. Malan in 1948, characterising his intention to "take from non-Europeans their long-established and pledged rights to vote on the common roll" as a "retrograde step".⁴ Because the new Prime Minister, himself an ordained minister of the N.G.K., asserted that his policy was neither un-Christian nor immoral, and because his denials were endorsed by the synods of the three Afrikaans Reformed Churches in South Africa it appeared that the question of whether or not apartheid was to be condemned on Christian grounds was still a matter for further theological and political debate. There were, however, a few individuals who went further than official church condemnations of apartheid at that time.

Trevor Huddleston said it was a Heresy in 1956.

It is significant that Trevor Huddleston as long ago as 1956 wrote that racialism in any form is an "inherent blasphemy" against the nature of God who has created man in his own image, saying also that the Calvinism of the Afrikaner "like all heresies and deviations from Catholic truth . . . is sub-Christian".⁵ The significance of Trevor Huddleston's condemnation of apartheid as a "heresy" and a "blasphemy" in *Naught for your Comfort* was not that he had found a more vehement expletive with which to denounce a policy which he deplored because of its evil effects upon the lives of his African parishioners in Sophiatown. He knew that such a political ideology, precisely because it is a heresy, had to be resisted both in theory and in practice by all

possible means. The claim made by the synods of the N.G.K. that there were "**skriftuurlike gronde**" to support "**rasse-apartheid**" understood as, **afsonderlike, eiesoortige ontwikkeling**"⁶ had to be denounced not merely as false but as heretical. The truth implicit in this statement which angered Afrikaners was that those who support apartheid could not continue to regard themselves as Christians. Thus the South African Prime Minister at the time, Mr. J.G. Strijdom, said that Huddleston was attempting to "slander the white man in South Africa" and "to incite not only the outside world against South Africa, but also the non-whites in South Africa".⁷ Huddleston's forceful critique of South Africa's policy of apartheid was thus written off as the prejudiced invective of a foreign missionary. The reviewer of *Naught for your Comfort* for the *Cape Times* with greater prescience, having suggested that Huddleston was not in step with the hierarchy of his church, added that the publication of his book could open up a new phase in attitudes to South Africa abroad, and concluded, "If his arguments are invalid they will fall away. But I doubt if his evidence will easily be forgotten".⁸

Apartheid in word and deed is a Heresy.

The truth of Huddleston's prophetic stand against apartheid in the fifties is being demonstrated now. Where the contention that apartheid is a heresy used to be regarded as the **personal opinion** of some individuals, it is now the **declared belief** of a significant cross-section of South African churches. Three months after the W.A.R.C. decision at Ottawa, Huddleston's own church in South Africa, the C.P.S.A., declared apartheid to be "totally un-Christian, evil and a heresy".⁹ A few weeks earlier the Annual Conference of the Methodist Church of Southern Africa in its turn had declared that "apartheid is not simply a socio-political policy, but a sinful contradiction of the Gospel which cannot be justified on biblical or theological grounds and is therefore, an ideology which the Methodist Church rejects as a heresy".¹⁰ The N.G. Sendingkerk, also in 1982, in an impressive statement on apartheid, issued a confession of faith which accused the N.G.K. of "theological heresy and idolatry" for supporting apartheid which it described as a "pseudo-religious ideology".¹¹ In 1982 the Congregational Church, whilst not saying explicitly that apartheid is a heresy, resolved that it could not engage in dialogue with those white Dutch Reformed Churches "as long as they refuse to declare apartheid as sinful and to confess their complicity in the suffering and oppression of our people".¹² The Presbyterian Church at its Assembly in 1982, having re-affirmed its decision of the previous year to ignore state restrictions on inter-racial marriages, merely referred the W.A.R.C. decision for comment to local church bodies.¹³ At their respective Assemblies in 1983, whereas the Presbyterians rejected a resolution

endorsing the W.A.R.C. decision of the previous year, the Congregational Church declared any theological justification of apartheid to be heresy.¹⁴ What then of the Roman Catholic Church? It is interesting that the S.A. Catholic Bishops' Conference, in a pastoral letter read in all Catholic churches on 21st July 1957 condemned apartheid because "separate development is subordinate to white supremacy".

The white man makes himself the agent of God's will and the interpreter of His providence in assigning the range and determining the bounds of non-white development. One trembles at the **blasphemy** of thus attributing to God the offences against charity and justice that are apartheid's necessary accompaniment.¹⁵

In 1948, when the S.A.C.B.C. did not yet exist, Bishop Hennemann in a pastoral letter to his vicariate in Cape Town described apartheid as a "noxious, unChristian and destructive policy".¹⁶

A Status Confessionis for all South African Churches

The value of a recent book edited by John de Gruchy and Charles Villa-Vicencio entitled **Apartheid is a Heresy** is the way it documents in a concise appendix various church statements associated with the historic decision by the World Alliance of Reformed Churches at Ottawa in August 1982 to declare apartheid to be a heresy and to suspend the Afrikaans Reformed Churches from its membership as long as they continue to support apartheid.¹⁷ The book also contains nine splendid articles which examine the issue of apartheid from a number of perspectives. First among them is the address delivered by Dr. Allan Boesak to the W.A.R.C. at Ottawa which then not only decided to declare apartheid to be a heresy, but also elected him as its President. Dr. Boesak urged the World Alliance of Reformed Churches, as a confessional family of reformed churches to which the Afrikaans Reformed Churches still belonged, to agree that "racism is sin", "apartheid is a pseudo-gospel" and that the situation in South Africa constitutes a **status confessionis** for the Reformed Churches in South Africa.¹⁸ As Bishop Desmond Tutu writes, because apartheid blasphemes the divine intention in creation "apartheid contradicts the testimony of the Bible categorically",¹⁹ and must on these grounds alone be rejected as a heresy. The immorality of apartheid may be judged by its results: "if these are evil, then the probability is that the original act or policy is itself evil".²⁰ The value of this book is not merely that a number of leading theologians who are members of the N.G.K., N.G. Sendingkerk, Congregational, Anglican, Methodist, Lutheran and Presbyterian Churches in South Africa each give some compelling reasons why the W.A.R.C. decision is not only right but long overdue. For all of these theologians, the declaration that apartheid is a heresy is not merely an opinion, but a profession of faith. Unlike even the **Message to the People of South Africa** in 1968²¹ and indeed all previous declarations by the South African churches on apartheid, the W.A.R.C. decision at Ottawa in 1982 may be compared to the **Barmen Declaration** of the Confessing Church in Germany in 1934²² and even to the 95 theses which Martin Luther pinned to the door of his church at Wittenberg on All Saints' Eve in 1517.²³ "Here I stand, I can do no other" is the decision of each individual.²⁴ Thus the relevant question now becomes not why, when or whether apartheid is indeed to be declared a heresy. It is the impli-



Dr. Allan Boesak

Natal Witness

cations of applying this far-reaching decision in practice which are going to be crucial for Christians in South Africa.

The Time for a Confessing Church has arrived.

In his excellent article John de Gruchy considers the implications of the W.A.R.C. decision, and suggests that the moment has come for South African Christians to establish a Confessing Church.²⁵ There were some who thought that such a moment had come in 1957 when most South African churches declared they would refuse to obey Clause 29 (c) of Dr. Verwoerd's Native Laws Amendment Act.²⁶ A similar point came in the aftermath to the Cottesloe Consultation of December 1960.²⁷ Then in 1968 a Theological Commission of the South African Council of Churches published its **Message to the People of South Africa**. The visit to South Africa of Dietrich Bonhoeffer's friend and biographer Eberhard Bethge in 1973 raised the question of a confessing church again, but as Dr. de Gruchy observes, "the answer was ambivalent".²⁸ Consideration of the question of a confessing church then lapsed until the S.A.C.C. convened a consultation of black Christian leaders at Hammanskraal in February 1980.²⁹ This meeting called upon all white Christians to demonstrate their willingness to "purge the Church of racism", giving an ultimatum that if there was no concrete action within twelve months black Christians would have no alternative but to become a confessing church. This ultimatum was not implemented and Dr. de Gruchy rightly sees the next decisive step as being the emergence of the Alliance of Black Reformed Christians in South Africa (ABRECSA) in October 1981 under the chairmanship of Dr. Alan Boesak. It was the ABRECSA Charter which stated:—

We, as members of ABRECSA, unequivocally declare that apartheid is a sin, and that the moral and theological justification of it is a travesty of the gospel, a betrayal of the reformed tradition and a heresy.³⁰

It was thus the ABRECSA Charter which paved the way for the W.A.R.C. decision a year later.

Differing Black and White Perceptions and Priorities.

The development of the idea that apartheid is a heresy, even among leading black theologians and church leaders in South Africa, has taken time to germinate. I attended the Annual Conference of the South African Council of Churches in 1978 and recall vividly the trend of a debate which developed over a resolution condemning apartheid. Its proposer, who lived in Soweto, demanded the repeal of all apartheid laws and called upon Christians to disregard such legislation should the Government not take immediate steps to remove all discriminatory legislation from the statute book. The wording of this resolution was thus open to criticism for being unwise and impractical, in so far as there was every likelihood that both the Government and a considerable proportion of white Christians belonging to the S.A.C.C. member churches would ignore it. Such criticism by whites, however, ignored the deep sense of resentment felt by blacks about apartheid only two years after the Soweto riots. The then President of the Methodist Conference, Dr. Donald Veysie, then proposed an amendment to this loosely-worded resolution, which would have reduced the force of the condemnation of apartheid intended by its proposers. In an impromptu speech I urged that apartheid was so repugnant to the mind of most of those present that the S.A.C.C. Conference should not only make its condemnation of apartheid more specific, but also that we should declare apartheid to be both a theological and a moral heresy and proposed an alternative amendment to this effect. My amendment found a seconder but caused some concern. The Revd. Joe Wing, the Congregational leader, pointed out that whilst everyone would wish to condemn apartheid in the strongest terms, to declare apartheid to be a heresy could have some unfortunate consequences. By declaring the policy of one political party to be a heresy we would unleash a witch-hunt in the congregations of our churches in which the political convictions of every parishioner would be put on trial. Division and acrimony would be the only result. When the vote was taken there were just thirteen who voted to declare apartheid to be a heresy, amongst over a hundred delegates of whom two-thirds were black.

Will 1984 be George Orwell's year in South Africa?

Conscription ensures tight Government control over South African whites, just as the National Party's legislation for apartheid and state security has cast its totalitarian shadow over all people of colour in South Africa since 1950. Those churches which have declared apartheid to be a heresy now face the far-reaching implications of that decision, as much as Christians of churches who have so far refrained from taking this stand. Since two-thirds of white voters have said "Yes" to a Constitution which most readers of *Reality* would judge to be a device which entrenches apartheid, there will be many who worship in Catholic, Anglican, Methodist and Congregational pews who will not sit comfortably with the assertion that apartheid is a heresy. Will a vote for the National Party debar them from membership of their churches? At the same time there are also some indications of a serious reconsideration of the N.G.K.'s legitimization of apartheid. In 1974 the General Synod of the N.G.K. adopted in an amended form the findings of

the Commission on Race Relations under the chairmanship of Ds. W.A. Landman. Dr. Villa-Vicencio rightly describes the findings of this commission as revised by the N.G.K. Synod in 1974, *Ras, Volk en Nasie, en Volkereverhoudinge in die lig van die Skrif*,³¹ as "firmly grounded in the framework of apartheid and provides a Scriptural basis for apartheid and white domination".³² In 1982 this report was however referred to a revisions committee, which is due to report to the next General Synod of the N.G.K. which is due to meet in July 1984. Already the N.G.K. (Western Cape) Synod has in 1983 passed a resolution repudiating its earlier stand in support of apartheid. In February 1984 an important meeting is to be held at which the heads of certain major South African churches will be creating the necessary organisation to arrange a Christian National Convention to be held in 1986.³³ Whilst such vigorous Christian witness for justice and freedom may yet save South Africa from a growing tendency towards totalitarianism in Government, this will not be achieved without a deeper conflict between Church and State.

Are Church and State on a collision course in South Africa?

1984 will see the publication of the report of the Eloff Commission of Enquiry into the affairs of the South African Council of Churches. The Government's response to this report could precipitate the collision. A collision may however be unavoidable. If on the one hand South Africa's so-called multi-racial churches do indeed implement their decision, so that apartheid is repudiated as a heresy in both word and deed, and at the same time the Botha Government implements the Republic of South Africa Constitution Act of 1983, Christians will indeed be faced with a *status confessionis*. 1984 is thus going to be a year in which the consciences of God-fearing Christians in South Africa will be put to the test. That is why a close study of *Apartheid is a Heresy*, edited by de Gruchy and Villa-Vicencio, is to be commended to all, as indeed are the editors of this volume for getting it published so timeously. I had meant to write this article before the Referendum. Its contents become even more relevant now.

Orthodoxy and Orthopraxis: Words and Deeds

The significance of the declaration that apartheid is both sinful and a heresy means that orthodoxy of belief is not enough. Orthopraxis, that is orthodoxy in practice, is also required from every church and every Christian. The holding of a Christian National Convention in 1986 could thus well provide the springboard for the creation of a Confessing Church in South Africa whose creed will include an absolute and decisive repudiation of all forms of discrimination on grounds of race or colour. Apartheid, like sin, will not however die easily. There is therefore likely to be an intensification of the conflict between church and state, in which much will depend on the decision about apartheid by the General Synod of the N.G.K. in July 1984. Much will also depend on the courage and integrity of Christians in the so-called multi-racial churches. Will they practise what they preach and in deed and word live by their profession that apartheid is a heresy? Will the Botha Government bow to such pressure? If there is indeed a need to found a Confessing Church in South Africa, this suggests that George Orwell's chilling predictions for 1984 are not without relevance for this beleaguered sub-continent. □

References on Page 20.

BLACK PEOPLE'S PENSIONS

HUMAN AWARENESS PROGRAMME: Special Report No. 4 - June 1983 : Pensions : An Assessment. State Pension Scheme and Private Pension Funds - How they affect black people in South Africa

The Human Awareness Programme (HAP) Special Report on Pensions appeared in June 1983. It forms part of a series of publications produced by the Programme on a regular basis.

The report is a succinct yet comprehensive assessment of pensions in South Africa. It was compiled in response to the widespread industrial unrest that occurred in 1981, mainly in Natal and the Eastern Cape, with the introduction of the South African government's Preservation of Pensions Interests Bill. The main feature of the bill sought to ensure that, except in certain exempted instances, "employees would no longer be able to withdraw pension benefits when leaving a job to enter other employment."¹

The reaction provoked by the Bill clearly reflected the extreme sense of frustration and suspicion harboured by blacks against the government and employers, caused by lack of political representation, inefficient or non-existent channels of communication and consultation, and negative past experience.

As a consequence of black labour action, protest and representation by employer and employee groups, the Bill was subsequently withdrawn. The HAP report structures its assessment of the situation of black state pensioners and black members of private pension schemes on a model of specified criteria. The model provides a systematic basis for analysis of the issue under focus.

The criteria are listed as : "power", "resources", "consumption", and "access to action".²

The report deals with each of the criteria in regard to "controlling structures" (the policy-making bodies that initiate, control and determine pension funds) and access to these structures by the affected groups. In respect of controlling structures it states:

"Black South Africans have had no say in the formulation of policy with regard to the social security system in South Africa. They have no access to the formal institutions, neither public nor private, which administer pensions and process applications. They also have no part in shaping the control structure within which the social security systems work".³

HAP's conclusion are neither comforting nor reassuring. The Programme's document is a serious indictment of state pensions. The report shows clearly that the South African apartheid system makes a mockery of welfare systems by the total irony of disbursements calculated

on the basis of "need", but "need" being determined by a discriminatory qualification of race. The report points out that in terms of social security legislation, social pension benefits are a legal right for all South African citizens who qualify in terms of the Act. This includes the citizens of homeland states. However in terms of the present South African system and its prevailing norms, blacks who in general already have less at every level of existence, automatically qualify for lower disbursement than those of other race groups. Furthermore the report illustrates how black pensioners suffer through the inevitable inefficiency and unreliability of inexperienced administration systems attempting to cope with the unwieldy complications of an apartheid system.

Under the system, homeland governments are totally dependent on the Pretoria government for resources and case records. Resources are totally inadequate. Communications between homeland states and Pretoria appear hazardous and erratic. Officials frequently report that files are lost or that computers are "out of order". Records of pensioners disappear without trace leading to delays in payments and untold hardships for the pensioners concerned.

The Report illustrates how black access to action on state pensions is seriously limited: "As Black South Africans are not represented in the legislative assembly they can take no action to alter the regulations, conditions or benefits received by black social pensioners"

"Although theoretically 'homeland' governments are responsible to their citizens, they rely on the SA government for allocations for the payment of pensions. They (homeland governments) therefore lack the economic power to respond to a demand for better conditions from pensioners."⁴

The report also states that legal action on behalf of pensioners is seriously hampered by the anomalies of homeland legislative structures.

In its criticisms of private pension funds, HAP states that it is clear that: "employers and the state have little or no knowledge of the areas of dissatisfaction or the extent of the dissatisfaction on this issue."⁵ The main areas of worker grievance and complaint highlighted by the Report are:

lack of consultation either between state and employees or their representatives, or between employers and employees or their representatives;

lack of control over the investment of pension monies or representation on pension fund boards;

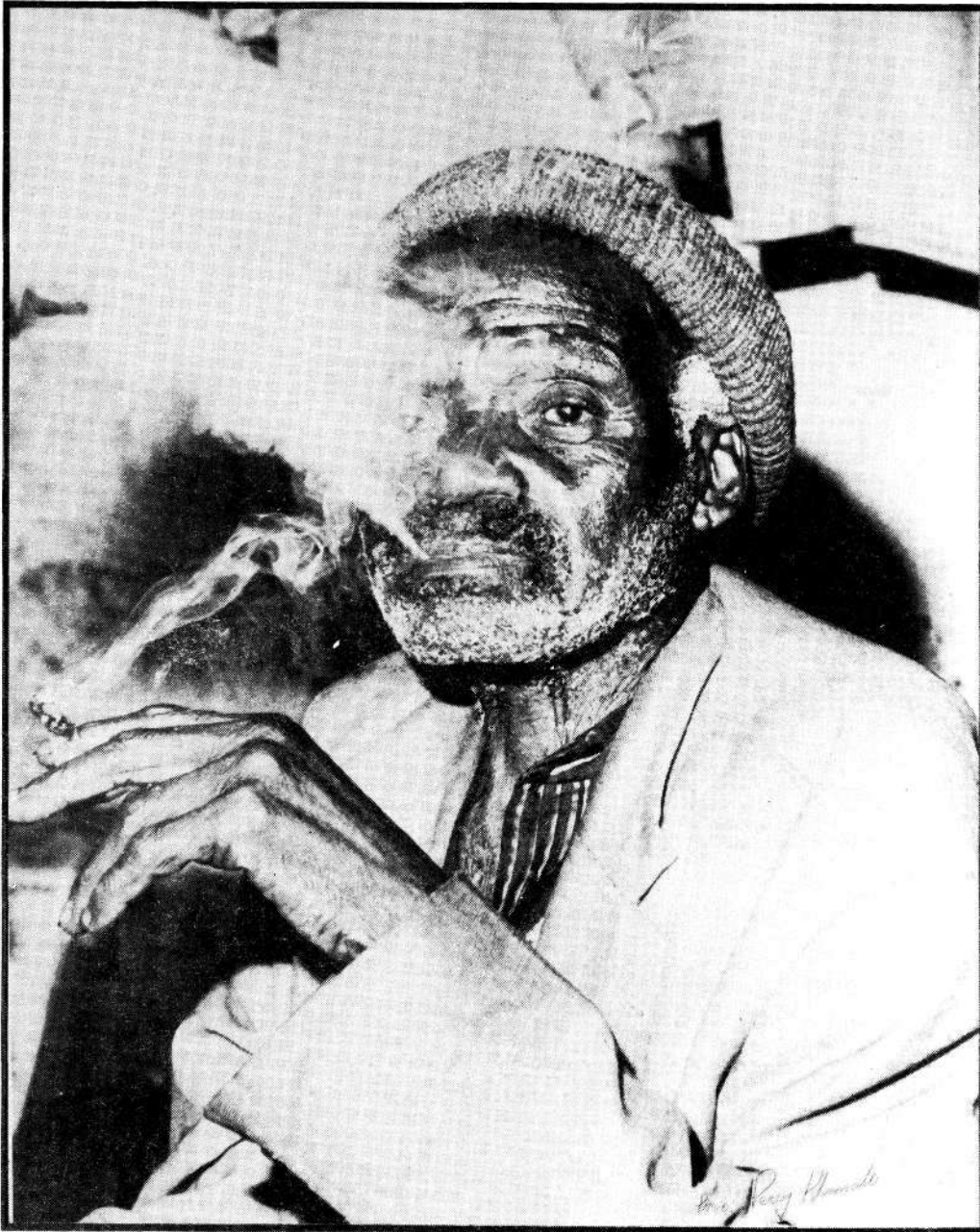


Photo: Percy Khumalo

a need for pension money in time of unemployment because of the inadequacy of current government controlled unemployment fund payments. The HAP report does not only deal in criticisms. It sets out sound recommendations for possible action by employers, pension brokers and the interdepartmental consultative committee on professional welfare matters.

Overall the report covers a brief history of state and social security in South Africa, basic criteria for social security and some of the difficulties experienced.

In the case of private pension funds, the Report usefully differentiates between "fixed benefit" and "fixed contribution" schemes and provides pertinent case studies.

Most important, the report illustrates "flashpoints" where frustration and grievance on the part of the affected boils over into action "designed to disturb the status quo". It shows where state and employers can make positive contribution to alleviate some of the worst aspects of the grievances. However as with many situations within South

Africa, the problem of alleviation must be seen within the context of the apartheid system. The problem is rooted in structural preconditions and thus alleviation thereof can only truly be seen to take place within the context of fundamentally altered structures.

In the absence of the probability of real change in the immediate future, the recommendations of the report are taken as far as they can go.

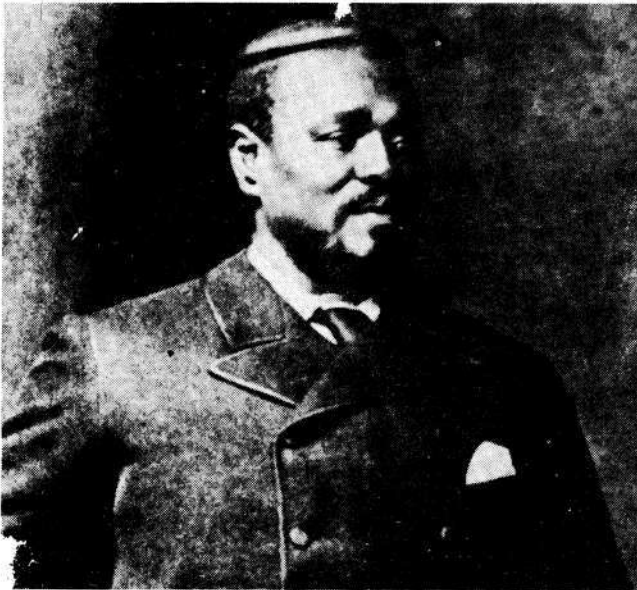
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THE 'YEAR OF CETSHWAYO' REVISITED



Cetshwayo kaMpande in exile, 1882

Nineteen eighty three as we are all aware—perhaps too aware—was designated the 'Year of Cetshwayo' by the Kwa-Zulu authorities, and was celebrated in commemorative ceremonies and speeches, the opening of national monuments, and the appearance of one excellent little booklet (1). Are we not, under the circumstances entitled to a respite, particularly as we have in the recent past commemorated the centenary of the Anglo-Zulu war, and been treated to a number of publications dealing with Cetshwayo's career? Need any more be said? Indeed given the outstanding calibre of works such as Jeff Guy's *The Destruction of the Zulu Kingdom* (Ravan, Johannesburg, 1982), can anything more be said? Appearances to the contrary, there are I believe good reasons why Cetshwayo, both as historical figure and as a symbol in present day South Africa is deserving of further brief attention at this time.

The first and most obvious of these is that while the relevant authorities had sound historical reasons for singling out 1983, in that it marks the centenary of Cetshwayo's final defeat, it was on 8 February, 1984, that he, the last of the independent Zulu rulers, was found dead in his hut near Eshowe. The circumstances of his death are undeniably the stuff of which tragedy is made. Having been banished to the Cape immediately after the Anglo-Zulu war, Cetshwayo was allowed to return to a truncated

portion of his former realm early in 1883. At the insistence of the Natal colonial authorities, a large slice of territory abutting on the Thukela and Mzinyathi rivers was set aside as a reserve for those who allegedly no longer wished to accept Cetshwayo's authority. More ominously, independent control over the north-eastern portion of the former kingdom was vested in Zibhebhu, a chief who even before 1879 had displayed inclinations to greater independence, and who had given vent to his political ambitions in the years which intervened between Cetshwayo's banishment and restoration. In a situation in which many of the king's loyal supporters desired vengeance for the indignities and material losses they had suffered in the recent past at the hands of Zibhebhu and his ally, Hamu, the king's hostile half-brother, and in which Zibhebhu himself feared for his new found prominence, conflict was inevitable. After one major and particularly bloody battle, and much devastation, Zibhebhu launched a surprise attack on the royal homestead at Ondini on 21 July, 1883. The ensuing slaughter was terrible, and large numbers of Zulu leaders loyal to the king lost their lives. Indeed Cetshwayo himself narrowly avoided death, and was left with no option but to seek refuge, firstly in the Nkandla forest, and later at Eshowe, where the British resident in the reserve had his administrative headquarters. It was in this situation, with his country ravaged, his followers in disarray or dead, and he himself a virtual exile, that Cetshwayo died. The official version of the cause of death was 'fatty disease of the heart', but it was widely believed that he had been poisoned. In the view of Jeff Guy, irrespective of whether he was assassinated or died as a result of the hardships endured as a fugitive and refugee, broad responsibility for his death, 'lay with the officials in London who devised his return, and those in Natal who attempted to manipulate the situation in the colony's interests' (2). To this should be added the part played by Hamu, and particularly Zibhebhu, and, perhaps in lesser degree, by some of the king's adherents, and possibly even the king himself. Indeed it is arguable that by 1883 divisions in Zululand already ran too deep, and that short of active British supervision, which was not contemplated, it was as much the fact of Cetshwayo's restoration, as the particular conditions attaching to it, that gave rise to the ensuing civil conflict. Be that as it may, the defeat and flight of Cetshwayo, and his subsequent death have come to symbolise the demise of the old political order in Zululand, for civil war had broken the material power of Zulu society, and ruptured its political cohesion.

On the basis of the circumstances and symbolic import of his death alone, Cetshwayo's entitlement to historical

prominence would seem secure, and the same could be said of his earlier career. Not everyone, however, would agree, for as Carolyn Hamilton has pointed out in a recent number of this journal (3), precolonial history as a scholarly discipline and as a teaching subject has its critics. In their view, precolonial history is at best irrelevant to the needs of Black South Africans, and at worst is a hindrance to those working for change in this country; ethnic divisions are emphasized and legitimized, as are aspects of tribal authority whose dangerous meaninglessness today is thereby obscured. Whatever the validity of these assessments of precolonial history as such, they do acquire a certain additional force when figures from the precolonial past are appropriated as public property, and become objects of inspiration and exaltation. The 'Year of Cetshwayo' may be a classic case in point. Might not his commemoration be used to mobilise support for an ethnically based, quasi-traditional political organisation? Indeed has it not already acquired this status? For it is both illuminating and sobering to reflect that the recent tragic events on the campus of the University of Zululand occurred at the time of a ceremony which formed part of the 'Year of Cetshwayo' celebrations. Might it not be that his recent resurrection and elevation provided not only the occasion for this tragedy, but also part of the animus behind it? If this is so, his memory will indeed have served to divide Blacks in their struggle, to compound the difficulties they face, and to delay and jeopardise the prospects of change. What a bitter irony it will be if Cetshwayo, who in life opposed white domination, should in death effectively prolong it. Cetshwayo will then be arrayed on the side of 'volksheide' like Retief, Pretorius and Kruger, while the ghosts of his arch-enemies in later life, Shepstone and High-Commissioner Frere, look on perplexed, but not without approval.

All in all, one might justifiably regret Cetshwayo's public commemoration, even if it is now fruitless to do so, and even if we may have thus confirmed for ourselves the dangers of ethnic mobilisation. But notwithstanding these unpromising omens, a commemorative re-appraisal of Cetshwayo's career can yet prove valuable. Nor does this require that we should claim especial personal merit for Cetshwayo, admirable and capable through he undoubtedly was.

For one thing, Cetshwayo need not be seen as an ethnic hero; indeed the extent to which he can accurately be cast in that mould is debatable. Cetshwayo was indisputably the King of the Zulu, but it is worth remembering that ethnic designations are liable to redefinition - both by the rulers and the ruled (4). The category, Zulu, is no exception, for over the last one hundred and eighty years it has changed radically in scope and content. Whereas at the beginning of the last century, it referred to an insignificant socio-political group residing in central Zululand, some thirty years later it embraced those incorporated into the Shakan state, who had hitherto regarded themselves as something other than Zulu. By the end of the nineteenth century, it had come to apply to growing numbers of people outside Zululand who had never acknowledged the rule of Cetshwayo, while our current understanding of the term as applying to all Zulu speakers is a relatively recent development. From this perspective, Cetshwayo is not the embodiment of the Zulu ethos, but represents at most a phase in its continuing evolution. Certainly, the historical data do not support the contention of our

rulers that ethnicity is an immutable and timeless social phenomenon. The evidence from the more recent past, not to mention the present, highlights further that it does not necessarily reflect the highest stage of social organisation; it can coexist and interact with, as well as be superseded by other forms of social, racial and, in a wider sense, national identification.

Beyond that there are other good reasons why Cetshwayo need not and can not be simply depicted as an ethnic folk hero; in a very real sense he is part of our common heritage as South Africans. And this is more than just a matter of the history of South Africa being the sum of its component parts, or, especially in the case of Whites, of 'getting to know' about the other inhabitants of the sub-continent, important as these considerations are, given the prejudices, distortions and Eurocentric bias which still pervade the structure and content of some school and other syllabuses. For, looking at the career of Cetshwayo as a whole, one is struck by the extent to which the problems he faced, and, perhaps in lesser measure, the solutions he attempted, had as much to do with circumstances beyond his kingdom's borders, as within them⁽⁵⁾. What is equally true is that his actions had repercussions not only in Zululand, or even in the communities adjoining his own, but as far afield as the imperial metropole itself. In this sense also Cetshwayo personifies less the archetypal ruler of a pristine traditional society, as some of the critics as well as proponents of his commemoration might argue, than a transitional figure, increasingly caught up, and influenced by wider political and economic forces beyond his control, which were ultimately to envelop him and his country, as they did others in South Africa. But the import of his final death and defeat is even more stark. As I have already suggested, and the earlier changes that had begun to take place notwithstanding, they signify the onset of a new epoch in the history of those whom he had ruled. Within a matter of years, they were to be stripped of much of their land, to fall under European jurisdiction and increasingly to seek work on the farms and mines and in the towns of South Africa, a fate that was, however, by no means peculiar to them. In the process, their former rulers were gradually transformed into agents of White domination.

From this perspective then, remembering Cetshwayo may have much of value to tell all of us about South African society as it was and has become.

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TERRORISTS, GUERRILLAS, FREEDOM FIGHTERS - AND OTHER THINGS THAT GO BUMP IN THE NIGHT

In Part 1 of this article it was shown that the traditional laws of war (of which the 1949 Geneva Conventions form the main part) were restricted in their application to war in the classical sense of an armed conflict between two or more sovereign states. This material limitation has the effect of excluding most guerrilla conflicts since the latter usually occur within the borders of a single state and therefore cannot be classified as "international". In addition, guerrilla conflicts, especially in the initial stages, tend to operate at a low level of intensity. Although this level of violence tends to escalate as the conflict progresses, the implication inherent in the Geneva Conventions is that of a full-scale armed conflict in the traditional sense before such conflict is raised onto the plane of international legal regulation. In addition, the Geneva Conventions only apply to "parties to a conflict" — the latter term being restricted to sovereign states. This impliedly excludes guerrilla groups and liberation movements (who lack the status of states) from becoming parties to such conflicts.

Further, irrespective of the nature of the conflict, the conditions laid down for participation by the Geneva Conventions are generally too high with the result that most guerrilla groups are unable to comply with them. Thus, especially in the initial stages of guerrilla conflict, it would be impractical to require that guerrillas should distinguish themselves from the civilian population by wearing fixed and distinctive signs and carrying arms openly. But if they fail to comply with these conditions they are not entitled to combatant status and consequent prisoner of war treatment — which is the cornerstone of protection under the laws of war. In other words, qualification of guerrilla groups for combatant status is conditional upon the latter's conducting operations in accordance with the laws of war. This implies that parties to a conflict should provide certain basic facilities such as field hospitals and prisoner of war camps which is usually beyond the material and logistic capabilities of the average guerrilla group. Finally the laws of war are simply not suited to controlling the vastly differing tactics and techniques of guerrilla warfare.

Limiting the application of the laws of war so as to exclude irregular guerrilla-type wars or conflicts of a limited nature has the effect of excluding any objective international legal regulation thereof. This means that the definition or labelling of a group as "terrorists", "guerrillas" or "freedom fighters" will ultimately depend upon the attitude of the very state which this group is aiming to overthrow by the use of military force. Further, the entire matter will be

regulated exclusively by the domestic criminal law of that state with little likelihood of impartiality in the matter.

WIDE FIELD

Thus, it is submitted that the ambit of the laws of war should be extended to cover as wide a field as possible. This should occur in two directions: firstly, the material application of the laws of war would be extended by broadening the definition of armed conflict to include all types of guerrilla and irregular conflicts of a military nature. Secondly, the ambit of the laws of war would be greatly extended by altering the conditions for combatant status in order to accommodate the exigencies of guerrilla-type warfare. This necessitates lowering the standards for participation — like doing away with such rigid requirements as the wearing of fixed and distinctive signs and carrying arms openly. Finally, on a more general level, the rules of warfare should be made more flexible to take account of guerrilla tactics. This is important in the light of the tremendous proliferation in guerrilla-type conflicts and the fact that the Geneva Conventions are essentially backward-regarding in the sense that they have been formulated on the basis of the World War II experience. Thus the 1949 Conventions were based on the assumption that wars would be fought in a conventional regular manner.

However, there have been certain developments which have tended to widen the application of the laws of war to types of conflicts that would be classified as purely internal according to traditional terminology. Firstly, international custom regards certain civil wars as international *per se*. Thus, notwithstanding the internal nature of a particular conflict, it is possible for it to be "internationalized" in certain circumstances. This occurs in such instances as intervention on either side by a third state or, more commonly, where the hostilities between the opposing sides have escalated to such a degree that the initial limited conflict has developed into a full-scale conventional war. This is what occurred in the Spanish Civil War (1936-9). In a southern African context, it can be argued that the same situation occurred during the Rhodesian Bush War. One of the problems confronting this principle is that of attempting to ascertain when the degree of escalation is such that a civil war has become "internationalized." However, it is patently evident that around 1978/9, the Rhodesian conflict had escalated to the extent that the Smith regime could no longer argue that the situation was merely internal. Rather it had developed into a full-scale civil war — the legal effect



being that it could then be raised onto the international plane. The most important consequence is that such conflict now falls to be regulated by the full laws of war.

ARTICLE 3

The second development by means of which armed conflict of a hitherto purely internal nature can be subjected to international regulation occurs in the form of common article 3 of the 4 Geneva Conventions. This article makes provision for some form of regulation of armed conflicts that are "not international in character". This constitutes a radical departure from the traditional view-point that war could only be waged between sovereign independent states. Further, it transcends the principle of non-inter-vention in matters essentially within the domestic jurisdic-tion of states because it purports to regulate a situation that had hitherto been regarded as an internal matter. Article 3 takes the form of a "mini-convention" that applies exclusively to situations which are not covered by the full body of the Geneva Conventions. Thus, the upper threshold of its application is that of an international armed conflict – to which the Geneva Conventions *in toto* will apply.

This usually occurs where the armed conflict transgresses international boundaries. However, there exist problems regarding the establishment of the lower limits of appli-cation since the concept of an armed conflict that is not international in character is rather loose and flexible and hence needs to be more specifically defined. The main problem stems from the fact that it is not within a state's interests to define a disturbance taking place within its borders as an armed conflict, since this would mean that the situation would be subjected to international regu-lations. The principal effect of this would be that a state could not rely exclusively on its domestic criminal law and this, besides reducing state control over the situation, would also have the effect of conferring a certain amount of international legitimacy on the opposing group. This is why states usually embark on a policy of "auto-inter-pretation" when it comes to classification of disturbances of a military nature and since it is the state that usually has the chief means of information gathering and evaluation

at its disposal, it is scarcely surprising that most states confronted with this type of situation argue that any such uprising is merely internal and perpetrated by a purely criminal or terrorist element.

CLASSIFICATION DIFFICULT

But even in absolute terms it is difficult to objectively classify such situations. Thus, for example, would the Baader-Meinhof incident (which took place in West Germany during the 1970s) have been classified as a mere riot or temporary disorder, or could it have been regarded as a situation of armed conflict and hence subject to regulation by common article 3? What about the position in Northern Ireland? However, certain characteristics have been identified which serve to distinguish an armed conflict from a mere internal disorder. Firstly, an armed conflict should have an underlying political motive. This usually takes the form of an intention to overthrow the incumbent government and hence must be distinguished from a criminal gang operating for purely personal gain. Secondly, the conflict must be of a permanent nature as opposed to a temporary disturbance. Thirdly, the conflict must take the form of sustained military activity requiring a military reaction on the part of the incumbent govern-ment. Finally, the conflict must be of such a nature that it constitutes a military and political threat to the incum-bent government. Once the above have been satisfied, a particular conflict may be classified as coming within the ambit of article 3.

However, although the concept of common article 3 represents a significant breakthrough in regard to the regulation of internal armed conflict, the actual substantive content of the article is not very onerous. In fact, it merely consists of a number of vague and general exhortations to both insurgents and incumbent government forces alike to conduct the conflict in a humane fashion by providing basic protection to civilians and those rendered **hors de combat**. The article makes no reference to combatant status which means that no standards are laid down in regard to participation. But there is also no reference to prisoner of war status or treatment which means that the incumbent government is still at liberty to punish insurgents for their participation in activities against the

former. However, it was hoped by the drafters of the article that this minimal content would serve as a starting point for subsequent development. But it is to be regretted that a provision to the effect that no captive should be executed before the conflict had been finally resolved was not adopted, although this principle was subjected to vigorous debate at the Diplomatic Conference preceding the formulation of the Geneva Conventions. Moreover, as a result of the proliferation of guerrilla-type wars after the coming into force of the Geneva Conventions, the inadequacy of the latter in regard to such wars soon became evident. Therefore in 1971 at the instance of the International Committee of the Red Cross, a Conference of Experts was set up to examine the current state of the laws of war. This was followed by a Diplomatic Conference which ultimately resulted in the formulation of the First and Second Geneva Protocols of 1977. This Diplomatic Conference revealed the dilemma confronting states (especially those in the Third World) on the question of regulation of guerrilla warfare of an internal nature.

TENDENCIES

On the one hand there was a concerted move to broaden the definition of armed conflict of an international character to include certain conflicts hitherto regarded as internal or, at the very least, to increase the content of regulation in the latter respect. This tendency developed out of anti-colonial trends which emerged in the post 1945 international community, since traditionally, colonial powers had regarded conflicts occurring in their dependent territories (i.e. in the form of armed struggles for independence directed against the colonial regime) as being essentially domestic in character. However, the idea that a colonial power could operate against a rebelling movement in one of its dependent territories without any restraints imposed by the laws of war was clearly anathema to newly-independent states who themselves had just recently cast off the cloak of colonialism. This was especially so in the light of the emergence of a right of self-determination in terms of which it could be argued that colonial dependencies had a right to liberate themselves.

But, on the other hand, these developing states (many of which are experiencing considerable political instability) found it necessary to distinguish between liberation movements struggling against colonial powers and rebels seeking to overthrow incumbent governments within these states. Thus, the essence of the problem was that if the laws of war were to receive extended application to cover internal situations generally, this would serve to benefit insurgents operating within these self-same states. (i.e. since the laws of war would confer some form of international status on the insurgents as well as hamper any government attempts to wipe out the problem). This is notwithstanding the fact that anti-colonial liberation movements would receive the desired protection of the laws of war.

The obvious solution then was to devise a principle which distinguished between freedom fighters struggling against colonial regimes on the one hand, and mere minority movements rebelling against a lawful authority on the other. The former conflicts would be regarded as international whereas the latter would not.

The result of this is that the definition of armed conflict international in character has been considerably extended



to include all conflicts "in which people are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination."

Consequently it was not considered necessary to elaborate on the laws relating to internal armed conflicts since the types of conflict of a *prima facie* internal nature that required international protection had now magically been classified as international. The legal significance of this is that guerrilla groups and liberation movements engaged in irregular types of military conflict can now be "parties to the conflict" in a direct sense. This means that they are subject to all the rights, obligations and protections afforded by the full body of the laws of war. The body of rules regulating internal armed conflicts is contained in Geneva Protocol II and merely consists of re-enactment and extension of the rather vague and ineffective exhortations contained in common article 3.

In order to accommodate these irregular groups within the ambit of the full laws of war it was necessary to lower the standards of participation. Therefore the original conditions for combatant status (i.e. the wearing of fixed and distinctive signs and carrying arms openly) have now been substituted by article 44 (3) of Geneva Protocol I which sets out the minimum standard with which such combatants should comply. This provides that combatants should attempt to distinguish themselves from the civilian population. The article holds further that in situations where "owing to the nature of hostilities, an armed combatant cannot so distinguish himself, then it will suffice if he carries arms openly during or immediately preceding hostilities."

These measures constitute a significant extension of the full laws of war to accommodate guerrilla warfare and must hence be welcomed as a realistic move on the part of the international community in this direction. However,

criticism can be levelled at the fact that no attempt was made to increase the international regulation of internal armed conflicts generally. Instead, the Geneva Protocols operate on the basis of classifying as International in character a certain specified and narrow type of armed conflict hitherto regarded as internal. Therefore, besides conflicts that are directed against colonial or alien occupation or racist regimes, all other armed conflicts not international in character are subject to the same vague and toothless provisions that were contained in common article 3 of the Geneva Conventions which are further supplemented by Geneva Protocol II. Another problem in this regard is whether liberation movements that qualify for international status would be able to comply with the vigorous standards implicit in the laws relating to international armed conflicts. In other words, notwithstanding the lowered standards of participation in regard to personal application of Protocol I, it must be remembered that Protocol I is nonetheless based on the assumption of a full-scale international armed conflict being waged in a conventional manner. This implies the provision of such facilities as fully-equipped field hospitals and prisoner of war camps which would doubtless pose severe (if not impossible) demands on liberation movements — especially during the early stages of the struggle. Therefore it can be argued that a far more preferable method would have been the retention of the distinction between international and internal armed conflicts and to strengthen the international regulation of the latter by increasing the substantive content of Geneva Protocol II. Indeed, it is highly unlikely that any state facing internal opposition of a military nature would be prepared to regard itself as a colonial or alien occupant or a racist regime. Therefore this provides a convenient loophole which can be manipulated by auto-interpretive techniques.

SOUTHERN AFRICA

Turning to the situation in southern Africa, it is evident that developments regarding international regulation of all types of warfare are of extreme significance. Indeed, the region is fast developing into one of the world's "trouble spots" where the setting of essentially political problems by military methods has now become accepted as standard procedure. This state of affairs has resulted from the fact that southern Africa has been the last bastion of white-dominated colonial and racist rule in Africa, that military violence has constituted the only means of liberation open to a number of these territories. This in turn has led to such violence forming an integral and institutional part of political expression.

Thus for example, in both Angola and Mocambique the former Portuguese colonial rulers were overthrown by liberation movements employing guerrilla tactics. However, these colonial regimes were replaced by one-party Marxist systems of government with the result that the only means of real political opposition occurs in the form of guerrilla groups operating within those territories (i.e. Unita in Angola and the R N M in Mocambique) in Zimbabwe, the intransigence of the Smith regime resulted in military violence becoming the only means of alternative political opposition. Unfortunately, notwithstanding ZANU's ultimate victory (both military and political) this has left a legacy of violence which still threatens the underlying stability of the country. South Africa on

the other hand, is mounting a vigorous and desperate rearguard action as the last outpost of white rule in Africa. The incumbent government's determination in this regard has left some black liberation movements within the country seeing no alternative but to resort to force. In addition, South African security forces are engaged in an ongoing conflict situation in Namibia against SWAPO liberation forces. The chief aim of the latter is to oust South African authority over the territory and instead to introduce self-rule in the form of a sovereign independent state. Hostilities in this conflict have escalated extensively over the past few years.

LEGALLY REGULATED

All these varying conflicts occurring within the region raise the question as to if and how they should be legally regulated. The basic object of the laws of war is to ensure that warfare is conducted in as humane fashion as possible and it is obvious that this can only be achieved by subjecting these conflicts to objective international regulation. The most important consequence of this is that both sides will be accorded some form of international legitimacy which will inevitably influence the internal position. This will have the effect of considerably reducing the emotional intensity, hatred and rivalry that occurs in conflicts where tribal, racial or sectional interests and groups are pitted against each other within the boundaries of a single state. Thus, one might well question the fact that it is left entirely in the hands of the South African government to prescribe the rules and regulations for the expression of political opposition — bearing in mind that this government represents the exclusive interests of the minority White group. In other words, after excluding all Blacks (and hence the overwhelming majority of the population) from participating in the political process, is it possible for this same government to unilaterally label as criminals and terrorists those Blacks who adopt tactics of force and violence as a means of political expression? Further, do incumbent governments have the sole monopoly in regard to the use of violence? These questions must be seen within the background context of the conflicts at present being waged in Southern Africa and the answers will be provided by the current developments in the laws of war as outlined above. Thus, it must be determined whether a particular conflict is international by reason of the fact that it transgresses international boundaries or because it can be defined as a struggle against colonial or alien occupation or against a racist regime. These conflicts will be subject to the full laws of war (Geneva Conventions of 1949 and Geneva Protocol I of 1977). All other conflicts will be classified as internal (provided they satisfy the minimum requirements laid down for military armed conflicts). The latter are regulated by the rather vague and unsatisfactory exhortations contained in common article 3 of the 1949 Geneva Conventions and Geneva Protocol II of 1977.

INTERNATIONAL

Turning to South Africa, one must be careful not to fall into the trap of auto-interpretation of the various conflict situations in order to accord with one's political preferences. It is because of the political factors inherent in any attempt at classification of conflicts that the results have been so diverse. However, it is submitted that the conflict between South Africa and SWAPO in

Namibia is definitely international in character. This is due to a number of factors, the most important being: firstly, in view of the revocation of the Mandate for South-West Africa by the U N General Assembly (backed up by the 1971 International Court of Justice advisory opinion on Namibia), South Africa's continued occupation of Namibia is illegal. This means that the conflict between South African security forces and SWAPO *per se* crosses international boundaries which automatically causes it to be classified as international. In addition, since the question of ultimate control over the territory is of concern to the international community, it follows that any conflict arising within the territory will be of an international character. Finally, the actual hostilities have escalated to such an extent that the conflict can no longer be regarded as purely internal. This latter argument is based on the international legal principle that once an internal conflict of a purely limited nature has erupted into a

full-scale civil war, it will automatically be classified as international.

Therefore, since South Africa is a signatory to the Geneva Conventions of 1949 and SWAPO has indicated its intention to abide by the Conventions, the latter should be applicable to the conflict in Namibia. The most important effect of this proposition is that all legitimate participants in the conflict (i.e. members of the S A Defence Force and SWAPO alike who comply with the conditions for participation) will enjoy combatant status. This means that they are entitled to prisoner-of-war treatment on being rendered **hors de combat** by reason of sickness, wounding or capture. It follows from this that the South African criminal law relating to internal security and terrorism is no longer applicable which means that the status of SWAPO members will alter from that of "criminal terrorists" to "legitimate guerrillas" or "freedom fighters". □

(Part 3 will be published in the May issue of REALITY)



BOOKS RECEIVED



Sylvester Stein: **Second-Class Taxi**; David Philip, Africasouth Paperbacks, 1983.

This novel, first published in 1958 and banned within a week, describes as its main action a national non-violent consumer boycott in South Africa - organised by the 'African Congress for Equality' - of all 'racialist' shops and establishments. The boycott, at first immensely successful, degenerates into violence and is violently crushed. The wholly admirable leader is killed. But this gloomy account gives entirely the wrong impression of the novel, which is comic, often hilarious, fast-moving, and full of pointed and amusing satire. Its general good humour derives mainly from the character of the protagonist, Staffnurse Phofolo (named after the most distinguished person present at his birth). Staffnurse is innocent, optimistic, ebullient, undauntedly cheerful and full of resource in the face of all difficulties, (The 'Taxi' of the title is his employer's large limousine, regularly requisitioned and appropriately labelled by Staffnurse for fund-raising or transport to aid the A.C.E. cause). The social and political insights of the novel are interestingly and illuminatingly 'dated': the satire and comedy still very entertaining.

M.D.



FREEDOM FOR MY PEOPLE - The Autobiography of Z.K. Matthews, edited by Monica Wilson.

This book, originally published by Rex Collings in 1981, was at that time warmly reviewed in REALITY. It has now been republished in Africasouth Paperbacks by David Philip of Cape Town, and REALITY heartily welcomes its republication. It is the story of one of the outstanding black men of our country, and that means of course one of the outstanding men of our history. Matthews however never had the opportunity to speak in Parliament, or to take part in government. He, like Lutuli, and our own Selby Msimang, was destined to spend his life in struggle and opposition. He, like them, achieved, not public adulation, but a kind of moral grandeur. He also had the luck of achieving recognition at last, when Seretse Khama sent him to Washington as the Ambassador for Botswana.

A.S.P.



THE GREAT KAROO - Stories by John Howland-Beaumont

These stories were first published in Britain in 1970, with the title "The Tree of Igdrasil". They are now republished in Africasouth Paperbacks by David Philip of Cape Town. They are to be heartily welcomed, being brief and imaginative sketches of life on a farm in the Great Karoo. They attain a high standard of literary achievement, and their writer is clearly a man of considerable learning and considerable simplicity, a simplicity which at times is quietly moving.

A.S.P.



Perceval Gibbon: **Margaret Harding**; David Philip, Africasouth Paperbacks, 1983.

This is an ambitious novel first published in 1911 and largely neglected until this reprinting. It deals with an idealised Platonic encounter between an intelligent and sensitive young Englishwoman in a Karoo sanatorium and a fully anglicised Black man, a doctor, returned to help his own people but incomprehendingly rejected by them and harassed by the authorities. The responses of the local White people (and one Black) to this encounter form a principal subject of the novel, probably the one most interesting to modern readers. These characters' instant obsessional interpretation of the relationship as sexual, their reactions ranging from violent 'moralistic' outrage, through contemptuous relish to dismayed and tentative support, are presented critically, sometimes ironically, by Gibbon with insight and conviction. (His own obvious White-is-beautiful attitudes add to the interest of the exploration). In spite of some melodrama, there is enough carefully and originally observed detail of social interactions and physical places to give the novel literary as well as historical significance.

M.D.

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