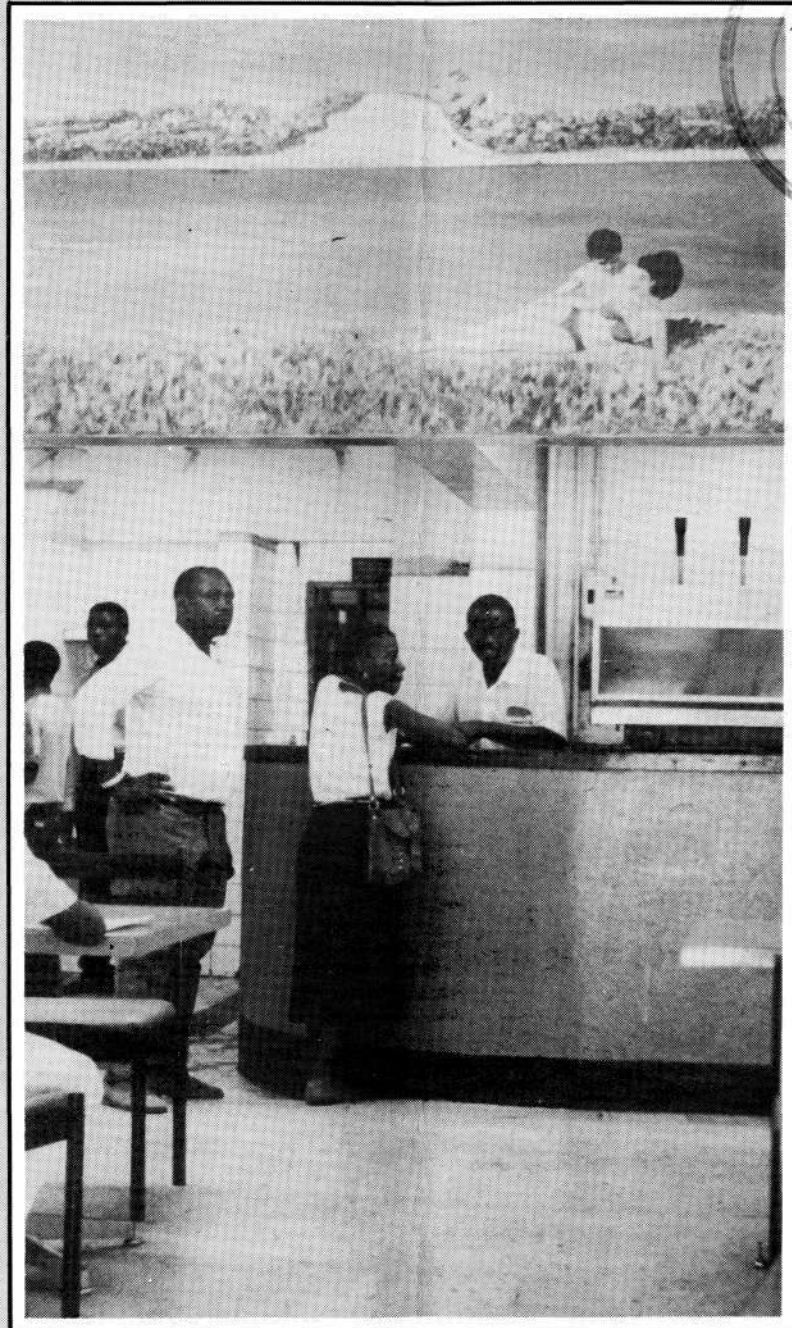
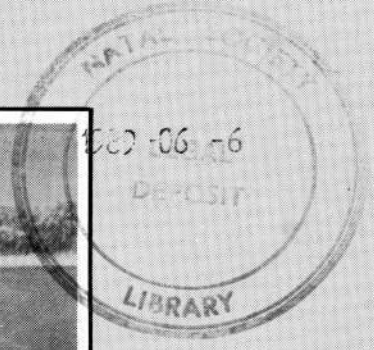


# reality

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MAPUTO COFFEE SHOP

*The Colonial Paradise lingers overhead*

**A JOURNAL OF LIBERAL AND RADICAL OPINION**





## 2. Bill of Rights

Since the founding of the Liberal Party 36 years ago Liberals have insisted that an essential element of a non-discriminatory post-apartheid society must be a legally enforceable Bill of Rights. Now all sorts of other people are coming round to that view.

The ANC's new constitutional guidelines call for a Bill of Rights and affirmative action to tackle the legacies of inequality which we inherit from our past. That is very welcome.

Surprisingly, and equally welcome, is the fact that the Government's own Law Commission, set up under Mr Justice P. J. J. Olivier to examine the question of the desirability of a Bill of Rights for South Africa, makes exactly the same recommendations. The Olivier report backs up its recommendations with reasoned and detailed arguments. Most interesting of all, it dismisses the case for the

entrenchment of group rights, insisting that if individual rights are properly protected, those group rights which are of particular concern to minorities, such as language, culture and religion, will be effectively protected too.

Nationalists will have difficulty accepting this proposition but they must somehow be persuaded that it in fact does offer the best possible protection, in the long term, for those aspects of Afrikaner culture which they are understandably so anxious to preserve.

Judge Olivier has not only produced a well-reasoned and very detailed report, he has backed it up with a draft Bill for the introduction of a comprehensive Bill of Rights which could be passed into law tomorrow. That will not happen yet but the passing of such a Bill into law has become a cause which all those who support the concept of a Bill of Rights must start to fight for now. □

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by HEATHER HUGHES

## HUMAN RIGHTS IN A DIVERSE AND DIVIDED SOCIETY

Report on the Lawyers for Human Rights International Conference, University of Stellenbosch, January 1989.

At the end of the first day of the conference, there was a cocktail party. For those who were accustomed to such occasions, it was a fairly ordinary cocktail party: well-organised, good food beautifully presented, more than enough Cape wine to drink. City professional people probably attend a good many such functions (or at least one could be forgiven for believing that by the nonchalance with which they treated this one). Poor people from rural areas, however, are not as used to the sight of fancy food. A young activist from KwaNdebele took one look at the spread and exclaimed in wonderment, "I will **never** see food like this again!" He told me that it is difficult for his family to afford sufficient maize and potatoes — their staple diet — most months. He explained that for school leavers like himself, the only hope of employment was on the lowest rungs of the bantustan bureaucracy, and there were too many in his position for the available jobs. That was why he had become an activist — to change things in KwaNdebele. He seemed hopeful about the future, but for the moment, he just wanted to eat. He said that this fare would keep him going for weeks. He left the party carrying several serviettes bugging with leftovers of the feast.

Somehow, in a very stark way, the different attitudes to the food reflected the very different attitudes to human rights represented at the conference. There were those, trained in the ways of tolerance and fair play, who assumed that everyone should share exactly their notion of human rights; there were those — perhaps who had had to struggle most of their lives to achieve what they had — who questioned the very meaning of human rights and all the guarantees that supposedly protected them.

### FORMAL SESSIONS

The five formal sessions of the conference all had the same format: an eminent speaker who delivered a keynote address; a panel whose members responded thereafter, followed by open discussion from the floor.

The first speaker was Prof Laurie Ackerman, who occupies the Harry Oppenheimer Chair of Human Rights at Stellenbosch University. In a wide-ranging address, dealing directly with the conference theme, he argued for the rights of minorities to enjoy their own culture but not to opt out of the body politic; he traced the histories of some human rights traditions and philosophies, and made a strong case

for the recognition of economic and social rights as being as important as civil and political ones. (The Universal Declaration of Human Rights does recognise these categories, but Prof Ackerman went further in his argument by adding that private property was a form of protection against government.) He ended his address by calling for a Bill of Rights and a system of full judicial review for South Africa.

In the panel discussion, it was noted, *inter alia*, how the State of Emergency had stifled the ability of people to organise themselves to better their own lives, that there was growing despair over the ability of the courts to protect human rights, and that there was a need to extend the discourse of human rights beyond the professions and outwards into communities. One speaker suggested that the only way in which a human rights culture could grow in this country was by looking at indigenous concepts, such as **ubuntu** (“humanity”), and that such a culture would be born out of a long and hard struggle.

### MINORITY RIGHTS

The second session provoked the liveliest discussion, on the subject of minority rights. The speaker was Prof Kevin Boyle (Professor of Law, University College, Galway, Ireland; founding member of the civil rights campaign in Ulster; Director of Article 19, a research and information centre on censorship). In this country, he said, the difficulty was that there was no agreement as to who constituted minorities. He further pointed out that there was in fact no internationally agreed definition of a minority. He provided the following provisional one: “a numerically smaller, non-dominant group in a state, distinguished by ethnic, racial, religious or linguistic attributes.” He added that of course, the existence of minorities implied majority rule. The situation in South Africa was rather special because, unlike in many states where minorities were struggling for their rights, here there was a whole series of manufactured minorities, which the government was trying to protect rather than ignore. This enforced pattern of minorities was the basis of segregation; it was an imposed identity. There was as yet no opportunity for a self-defining minority position.

He concluded by discussing the issue of reverse discrimination, such as quotas at universities, the encouragement of black people in certain job categories, etc. This was acceptable as it was not designed to constitute separate groups along racial lines, but was a temporary measure to correct the wrongs of the past. This was considered quite acceptable in international law.

Even though this had been a strong argument for the recognition of minorities in a post-apartheid South Africa, the panel was unanimous (though for a variety of reasons) in its rejection of the entire concept of minority rights, expressing the view that individual human rights would answer all requirements. (One got the impression that this was — partly at least — because the model of a minority in everybody’s head was that of white Afrikaners.) Clearly for the moment, the observation that this government has totally discredited the concept of minority rights (irrespective of merits and demerits of the concept) was borne out by the many strong feelings voiced in discussion time. One or two speakers pointed to the need for some minority guarantees, but one felt that they themselves were in a minority.

The second day began on a sombre note: the news had just reached the conference that Soweto doctor Abubaker Asvat had been gunned down in his surgery, and everyone observed a minute’s silence in his memory: it was a stark reminder of the gross violations of human rights being perpetrated daily.

### CONSTITUTIONAL GUARANTEES

Prof Albert Rosenthal (formerly Dean of the Law Faculty at Columbia University; member of New York State Revision Committee and of Executive Committee of the Bar Association of the City of New York; author of several books) delivered the keynote address in the third session. He addressed the question of constitutional guarantees of human rights and drew on the American experience to illustrate his talk. He began by pointing out that “constitution” meant many things: Was it law? Was it a hope or ideal? Was it supreme over legislation, or subject to repeal? In the United States, the constitution protected individuals against the excesses of government; in this way, issues could be taken out of the realm of politics. But the US constitution applied to actions of government, not those of the private sector — perhaps, he suggested, South Africa needed a different approach. He pointed to limitations of even these constitutional guarantees: for example, though racial discrimination had been removed from the constitution, the USA was still a racist society. The point was that constitutional guarantees were only a beginning.

Prof Rosenthal discussed too the question of judicial review and the entrenchment of rights. Judicial review supposed an independent judiciary, and a belief in the rule of law. Entrenchment of rights depended on a difficult amendment process, so that the constitution was very difficult to change.

He made the important point that what was more meaningful than any constitutional guarantee was societal acceptance of the notion that government should protect human rights — in other words, the need for a human rights culture, otherwise bits of paper would mean very little.

He then sketched a brief history of the US constitution, explaining the way in which these matters had been dealt with.

In the panel discussion it was stressed that constitutional guarantees were not self-enforcing. People created them and could destroy them. Human rights had to be respected; this could not be left to lawyers. Respect was the best guarantee of protection, since people had in fact become very suspicious of the power of things written in documents.

The case of Pietermaritzburg was raised: there, the courts were no longer able to provide any measure of protection, and nor were the police. A system had therefore been instituted which bypassed these official channels — the independent adjudication board. It depended on a measure of co-operation between Inkatha and Cosatu/UDF in order to function. What this case illustrated was the complete destruction of the belief that the law could protect human rights.

### ADMINISTRATIVE STRUCTURES

The next session, on administrative structures for the protection of human rights, opened with an address by Prof Jochen Frowein, Director of the Max Planck Institute for Comparative Public Law, and Professor of Constitutional

LAWYERS FOR HUMAN RIGHTS  
INTERNATIONAL CONFERENCE  
ON  
HUMAN RIGHTS  
IN A DIVERSE AND DIVIDED SOCIETY



- \* What are Human Rights?
- \* How are Human Rights protected Nationally and Internationally?
- \* What do the terms "Human Rights ethic" and "Rights Culture" mean?
- \* What can a Bill of Rights achieve?
- \* What is the relevance of the Universal Declaration of Human Rights?
- \* What about "Individual Rights", "Group Rights", "Minority Rights"?

*These and many other questions will be discussed.*

and Public International Law at the University of Heidelberg. He is also Vice-President of the European Commission of Human Rights.

Prof Frowein began by distinguishing between those human rights which were indisputable (e.g. freedom from torture, arbitrary death) and those which were open to discussion. Again, there were another two categories of rights: those which the courts could and could not protect. For example, courts could protect civil liberties but could not provide food.

He suggested that in Africa, economic and social rights had taken precedence over civil and political ones, which meant these latter had been neglected. Over the past decade there were signs that this imbalance was being redressed.

Prof Frowein discussed numerous kinds of administrative structures, and among those relevant to South Africa were the ones concerning the care of detainees: e.g. regular medical examinations, access of detainee to lawyer. These did help in ensuring the well-being of a detainee — but he added that even in Europe, there was no universal acceptance of such administrative procedures. Nor, in Europe, was there a consensus about the role of the courts in ensuring that administrative actions were followed. Court control was only effective if police would obey the courts.

The office of the ombudsman in Scandinavia was held up as an example of a method of coping with complaints (not necessarily only legal ones) in a flexible manner. Although the ombudsman was not part of the administrative structure as such, the office was very important and could be a good model for South Africa.

Prof Frowein concluded by discussing a number of problem areas in Europe, among these the use of force in arrest/detention by army and police (sometimes their powers were far too wide); the "state of mind" of an officer

in the event of an attack on an individual; and the question of censorship of information.

In the panel discussion, the merits of a Bill of Rights were once again argued, and it was pointed out that under the State of Emergency, effective judicial review was impossible. Again, the example of how the courts had been bypassed in Pietermaritzburg was raised, in an effort to quell the violence. A similar strategy was being contemplated as a way of dealing with the new Labour Relations Act.

A Western Cape lawyer gave some fascinating examples of how state administrative structures had been used effectively — against the interests of the state. He gave the examples of welfare payments (a case of a disability grant being terminated when the recipient was detained) and of removals in Lawaai-kamp and Port Nolloth, where municipalities had now been sensitised to the issue of removals under the threat of media exposure.

### COMMISSION

The final session of the conference was about the setting up of a human rights commission in southern Africa. Mr Vinodh Jaichand, Senior Lecturer in Private Law, at the University of Durban-Westville, traced the history and structure of a number of commissions, international, regional and local. Among these were the United Nations Commission on Human Rights, the Inter American Commission on Human Rights, the European Commission on Human Rights, and the Australian Human Rights Commission. Mr Jaichand concluded by supporting the establishment of a commission in this region, an idea also supported in the panel discussion, on the grounds that it would spread awareness; investigate individual cases of violation; pressure the government into respecting human rights; and promote the adoption of progressive legislation.

The conference endorsed the formation of such a commission, and this was a concrete proposal to be taken away and implemented by Lawyers for Human Rights, in order to continue the work begun over these two days.

The ending of the deliberations was marked by a sumptuous feast at the Boschendal Estate, which far outshone even the delicacies of the previous evening. If we did not leave any better equipped with civil and political rights, at least no-one left hungry.

The very wide diversity of the 400 or so delegates — from professors and judges to students and activists — made the conference theme live up to expectations in every way. Quite apart from the very profound issues raised by each of the speakers, were the concerns voiced by the unenfranchised, those who have always been excluded from the process of making and carrying out the law. They spoke eloquently of their problems whenever the chance arose. They questioned the very notion of "the law", they asked who the law was really protecting, and they were sceptical of those who sat in judgement being able to reconcile their work with any notion of human rights. As one of them put it, "We have a problem but we've run out of solutions."

The responses of the legal fraternity (a male term, but the conference **was** very male) varied. Some got very defensive and protective; others were a bit stunned; others, more in touch with popular attitudes, showed sympathy. Having such a huge division of opinion in one conference hall, and having all shades of opinion aired, was at once an achievement in itself, a great learning experience, and an indicator of how difficult the road to human rights will be. □



# MEDIA FREEDOM IN A LIBERAL-DEMOCRATIC SOUTH AFRICA

The three recognised pillars of a modern democracy are the executive, the legislature (Parliament, Congress) and the courts. To these must be added the fourth estate, the media. The media's traditional rôle is that of public informant and watch-dog over abuses of power in the other three estates.

In fulfilling their dual function, the media enjoy no special privileges over and above those of the individual in any society. Citizens of a free country have a right to know what is happening around them, to attend Parliament and the courts of law, to obtain information from officialdom, to find out how their taxes are being spent and to air their opinions without fear of retribution.

It follows that where the liberties of citizens in a country are restricted, the media will also be restricted. The freest media are bound to be found in countries where individual rights and freedom of speech are constitutionally protected. Sweden and the United States are two notable examples.

In South Africa, where the majority is subjugated by a minority, the limited degree of freedom permitted to citizens is reflected in the restrictions imposed upon the media. The right of some but not all citizens to comment and criticise is fairly well-established, but the ability of the media to disseminate information prejudicial to the interests of the ruling minority is severely limited. The media are allowed only as much freedom as is consonant with preserving the status quo, while the ruling party's tolerance of a certain amount of criticism enables it to claim that media freedom exists in South Africa.

The media in a liberal-democratic South Africa would reflect the degree of freedom permitted to individuals in that society, and would depend on the degree of protection afforded by the constitution and by the attitude of the elected legislature. In a healthy democracy there will always be tension between the media and the public authority. The public authority will try to prevent the media from revealing its inner workings and its failures. The media, for their part, are constantly looking into what public servants are doing and how they are doing it.

Most countries — including those behind the Iron Curtain — pay lip service to the ideal of media freedom, but few respect or tolerate media freedom in practice. In non-democratic societies, ownership of and control over the media vests in the central authority. The first country in the world to enshrine press freedom — in the true sense of the term — was Sweden in 1766. Sweden's current Freedom of the Press Act dates from 1949; it could well serve as a model for a liberal-democratic South Africa.

Sweden's Press Act:

- Forbids censorship of the press.
- Establishes the principle of the responsible publisher, liable for any violation of the law. No individual reporter may be held responsible for, or forced to disclose the

source of, any report. If a report contravenes the law, the responsible publisher alone is liable.

- Guarantees a citizen's free access to public documents, the only exceptions being documents relating to national security and foreign relations.

By introducing the concept of the "responsible publisher", Sweden has deliberately created a scapegoat, other than a reporter or informant, for breaches of the law. Protection is thereby extended to civil servants and others who leak information of public interests to a newspaper. While the law may protect an informant, however, it does not protect the publisher against infringement. The protection of anonymity may only be overruled in cases of national security or in criminal cases where, in the Court's opinion, there is an overriding public or private interest in the disclosure of a source.

Offences punishable under Sweden's Freedom of the Press Act include crimes against the State (high treason, incitement, conspiracy, sedition, etc.), libel and contempt of minority groups on grounds of race, colour, creed, etc. But criminal and civil law suits involving the media are rare. A prosecution of the media requires a decision by the Chancellor of Justice, and the case has to be tried by jury.

The rationale for Sweden's protection of sources and the protection of media from legal harassment is that the media — as the eyes and ears of the public — require the fullest possible insight into the operations of society.

Ownership of the media:

A liberal-democratic constitution would protect a citizen's right to publish and distribute printed matter, film or sound recordings and the like, subject only to the common and statute law. But it should also guard against an over-concentration of publications in too few hands. Even the most democratic countries regard monopolistic conditions in the media as undesirable. In most of these countries, in order to promote diversity, the State subsidises either the printed or electronic media or both, while leaving ownership and control of the media in independent hands. The essential aim should be to counteract concentration and encourage competition in a capital intensive and highly expensive industry.

**In South Africa, ownership of the print media is concentrated, with few exceptions, in the hands of four large publishing groups, all of which are in white hands. Radio and television are owned and controlled by the State. If the needs of a liberal-democratic society are to be adequately served, the South African media will have to become more broadly based. Black-owned publications will need to be encouraged by means of establishment grants, by production subsidies to help the commercially disadvantaged or by tax concessions for publications in under-developed areas. Although it may be argued that subsidisation shores up the weak and discourages competitiveness and efficiency, it is difficult to envisage any other way**

### of promoting diversity in the print media.

Special attention will need to be given to radio and television, whose high costs militate against free entry and open competition. The broadcast media are also more dependent than newspapers on public finance, in the form of licence fees. Where governments are able to determine revenue levels, the media may be vulnerable to political influences.

In Britain, the concept of public financing of the broadcast media combined with independent management and public accountability has worked well. While the Government helps to fund and appoints the Chairman and Boards of both the BBC and IBA (Independent Broadcasting Authority), these bodies regard themselves as representatives primarily of the public. They bear sole responsibility for the editorial content of broadcast.

In Sweden, all radio and television programmes are broadcast by one of four subsidiaries of the Swedish Broadcasting Corporation, which is owned partly by private industry (10%), the press (20%) and popular movements (60%). Popular movements include the churches, consumer co-operatives, adult education groups and the trade union movement. Programming policy is determined by agreement between the government and the broadcasting companies and the programmes must be "impartial, balanced and calculated to satisfy a broad range of tastes". Here again, a Swedish-type model may be more appropriate for South Africa than the British or the commercially-orientated American system.

In common with other Western democracies, the US, Britain and Sweden enjoy high levels of education and literacy, established democratic procedures, an advanced economy and a reasonably fair distribution of wealth. In South Africa the situation is markedly different.

It is perhaps worth remarking here that media freedom is not good in itself; it has value only insofar as it upholds the interests of the society it serves.

Opinions will differ over the true interests of South African society and how the media should serve those interests. There is a school of thought which contends that develop-

ing countries — particularly in Africa — cannot afford the luxury of an inquisitive, adversarial press that holds African societies to liberal Western norms and standards. Some argue that unity is of overriding importance in any emergent African democracy, and that a temporary suspension of democratic values is justified in the early stages. Experience elsewhere in Africa, however, has shown that "development journalism" or "positive reporting only" have invariably resulted in "sunshine journalism", in which the media refrain from publishing what the authorities do not want published. The outcome is always an inadequately informed populace and an out-of-touch, unresponsive government.

Given South Africa's history, it is inevitable that any government in a transitional phase towards an open society will seek to keep control over the various competing economic and political forces. If control over resources is the essence of power in any society, it goes without saying that the State will insist on exercising a degree of control over the media. The media can expect to be curbed in the same way that individuals are curbed — from fomenting revolution, inflaming racial feelings, inciting violence or deliberately giving offence to ethnic or religious minorities. In principle, these restraints are defensible if they are approved by Parliament and applied even-handedly by independent courts, not the governing party.

In addition, it would be prudent for the media in a transitional society to regulate itself — as the press does now — by means of a media council and a code of conduct which holds the media to the highest professional standards in the reporting of racial, religious and other sensitive matters. The broadcast media should also be subject to the media code of conduct, which is not the case at present.

However much one may theorise about media freedom, in practice the media in a post-apartheid South Africa will be as free or unfree as the constitution and the law of the land allows. A truly democratic constitution which safeguards individual liberties, protects freedom of expression and entrenches the rule of law is essential if the media are to function effectively. □

*(Discussion on this article will be welcomed — Editorial Board.)*

by PETER VALE

## INTEGRATION AND DISINTEGRATION IN SOUTHERN AFRICA

A College Lecture at the University of Natal, Pietermaritzburg.

Forty years ago in "Cry the Beloved Country", Alan Paton caught the dilemma of all South Africans with these words: "it is hard to be born a South African." If this article had a subtitle, it would paraphrase this famous statement thus: "It is as hard to be born a southern African."

The country of which Paton wrote, not unlike the South Africa of today, is riven with strife, anger and deep mistrust. It is also a curiously insular country: the narrative is as divorced from the world as it is from Africa. This does not mean that Paton was a parochial writer. Nor does it mean that the novel is not an African one. Rather, the book's

preoccupation is with the South African situation to the exclusion both of southern Africa and Africa within which apartheid plays out. [Paton was not a man without experience of a broader Africa. As the fine vignette, "Travels with my father" by Jonathan Paton<sup>1</sup> suggests, he was keenly interested in exploring the continent.]

But Alan Paton is not alone in his neglect of Africa. South African literature is largely devoid of an interest in the region and in Africa itself. In English there are some exceptions. Ezekiel Mphahlele's novel "Chirundu" is set in Zambia, and both Nadine Gordimer (Guest of Honour) and J. M. Coetzee (Waiting for the Barbarians) have written



novels which play off in fictitious southern African countries.

Except for three moments — the controversial work of Sangiro (which was concerned mostly with wild life), Else Joubert's troubled work on Angola and Madagascar and the recent and exciting "grensliteratuur"<sup>2</sup> — Afrikaans literature, too, is devoid of an African context.

### LITTLE ATTENTION

Given the magnitude of the challenges which face this country, literary introspection is not surprising. However, **apartheid's** tentacles have spread widely, and too little attention — within our national debate — is paid to southern Africa. None of the serious newspapers, for example, has a specialist commentator on the region. Our universities also appear singularly uninterested in the region, and in its 100-million inhabitants. Despite a strong academic tradition known as "Regional Studies", no South African university has a fully-developed unit, institute or centre devoted specifically to the study of southern Africa. A cursory glance at the graduate theses accepted at South Africa's universities reveals that students in the humanities and social sciences are not much interested in the topic. Within our national psyche, **apartheid** and its innumerable sins is brooded upon in an inward — almost lonely — fashion.

These thoughts hope to draw attention to the regional context of the **apartheid** issue. Its central argument is that **apartheid** is at the very nub of relations — political, economic, security — between the states of southern Africa. Without an understanding of **apartheid's** role in the region, there is no explaining its past, present and future and no understanding of the forces for integration and disintegration.

The discipline of International Relations has many enemies and this lecture will not be defending the indefensible. Nonetheless, it is convenient to develop a few academic points — some will call them theoretical, some whimsical — in order to site the discussion in a broader framework. These thoughts are culled from the academic study of international relations and will be flagged under the headings: geography, political economy, integration.

After teasing these out, the discussion considers a number of disparate issues around which the debate on southern Africa turns, and isolates two separate frameworks for integration in the region. In a concluding section, Namibia's potential position in the region is considered, and some nervous conclusions drawn.

### GEOGRAPHY

More than any other factor, geography sets the parameters of the topic. The countries of southern Africa are tied-bound to each other in the same way as are Canada and the United States, or France and Germany. True, the geographical distances are greater in the former, and considerably less in the latter. The essential point is that the various rivers — the Komati, the Caledon, the Molopo, the Limpopo — which divide the countries of southern Africa do so falsely. As an example, the floods which devastated large parts of Natal in recent years have had their equivalent in Mozambique, Swaziland and parts of Zimbabwe. There has, however, been no serious reporting of these in South Africa nor, in most cases, any effort to share the terrific burden which these countries have faced in the aftermath.

These rivers have become fundamental barriers: Berlin Walls over which each side of the southern African divide stares across at the other. So, while the region's inhabitants share the same weather, fruits and vegetation, walls of water breed fear and suspicion, angst and loathing.

The sub-continent is also geographically remote from other areas of the world. Only modern means of travel — particularly in the air — have brought it within striking distance of the rest of the world. But it is not a backward region. Its configuration is dominated by a powerful and technologically superior state, South Africa: a state which is politically at odds with its neighbours. Any reasoned deliberation on the region, therefore, is dominated by South Africa's role as an integrating and disintegrating factor.

It is politically unwise and academically unsound not to offer some qualification of this claim. While it is true, borrowing the American aphorism, that when South Africa sneezes the region catches cold, resistance against the bug can be (and frequently is) taken. It is a mistake to believe that the other states are only passive actors: strong resistance and independent actions can (and do) take place. While these tend to be symbolic, they are able to draw attention to the effects of **apartheid** in the region. There is no better example of this than to trace how it is that Mozambique's plight has been internationalised. This has consequences for Pretoria's behaviour, as we shall see.

### POLITICAL ECONOMY

The political economy of the region strongly explains existing patterns of dependency. Consider the railway network which was implanted to ensure the safe, cheapest and most-efficient movement of the region's most valuable commodity — gold — to major world markets. It snakes up from the Cape, through the spine of the sub-continent and ends at the edge of the Congo River. As a result, it draws the sub-continent southwards through its great industrial heartland, the Witwatersrand, to the ports of Durban and Port Elizabeth (and, to a lesser extent, East London and Cape Town). This north-south axis strongly contrasts with the general east-west pattern of colonial settlement in Africa. So it is that Mozambique has three separate rail systems, but no means of transporting goods from the north of the country to the south.

As transport pivots on South Africa so do multiple other factors: financial markets, industrial capacity, health care and veterinary expertise to mention four. These (and others) give South Africa a huge comparative advantage in the immediate geographic setting. It is costly and difficult for outside powers to compete against South Africa in its backyard. The unhappy experience of the Soviets in southern Africa over the past decade provides an immediate and sobering example of the costs (and resulting anguish) of trying to match South Africa's immediate gravitational pull.

The spin-off is mutually-reinforcing: as wealth begets wealth, so dependencies beget dependencies. In southern Africa, South Africa's centrality and the accompanying importance have been profitably reinforced. This has deepened during the two decades since the wave of national self-rediscovery which commonly is called "independence". The withdrawal of any competitors — the British, the French, even colonial Portugal — which might seriously challenge South Africa's domination of the region, immeasurably strengthened South Africa's position.



This analysis is obviously generalised and exaggerated. Individual states have managed to prosper (some, like Botswana, even flourish), in spite of South Africa. These are exceptions but, even in these cases, South Africa has touched salient parts of the country's development. [In Botswana's case, De Beers has been a major factor in the development of the profitable diamond industry.] The point about wide-ranging abstractions is that they give some form and order to the array of circumstances we see about us. In this way they constitute the beginnings of a theory about developments in the region.

## INTEGRATION

Although a concern for abstractions has been central in the academic study of international relations, it has been largely an unsuccessful endeavour. However, one area in which some progress has been made is in trying

**to explain how and why states cease to be wholly sovereign, how and why they voluntarily mingle, merge and mix . . . as to lose their factual attributes of sovereignty. . . .**<sup>3</sup>

Thus it is that integration (between states) seeks to reverse the cohesive force of the nationalism, giving states and their citizens greater access to a wider experience, wider resources within the community of states. This process (and theoretical speculation on it) has reached an important plateau in Europe with the development of the European Community, which will be fully integrated into a common market in 1992.

The potential for a common market in southern Africa has been the source of considerable speculation. Given the geography and the region's political economy, this is not surprising; an economic unit exists with South Africa at its centre. A series of regional-wide bureaucracies which might manage integration have also been in existence since the beginning of the century. The most important of these are the Southern African Customs Union and the now defunct Southern African Monetary Union. Therefore, the instruments for ensuring the successful economic integration of the region are in place.

The states of southern Africa are joined, therefore, by more than their geographic proximity. Extensive transport links, migrant labour, and industrial dependencies underpin an organic unity. On the departure of British colonialism — which provided the region's early glue — why was it that some form of integration did not take place?

**Apartheid** rule and South Africa's refusal to accede to international demands for the independence of Namibia profoundly threaten individual states: these present serious obstacles to integration. [For the record South Africa's support for the late Rhodesian cause was also a source of considerable annoyance to its immediate neighbours.] In more recent times, their security has also been deeply disturbed by South Africa's destabilisation of the region.

The sub-continent is thus divided by the one state, South Africa; the only state which — all things being equal — could ensure the success of its integration.

The focus now shifts to a discussion of the salient factors involved in integration and disintegration in the region.

## DOMINATION AND INSECURITY

South Africa dominates the region. No other state — nor coalition of states — possesses either the economic, military, or technological power of the minority-ruled state.

But the region's most powerful state — South Africa — is chronically insecure: it is an insecurity bred from a domestic political base which is constantly threatened.

For Pretoria, the future of minority domination rests on tinkering with the domestic edifice to ensure that the state (as presently constituted) is not threatened from within or without. Therefore, there is a strong link between the South African government's need to restructure the domestic racial/political dynamic, and wider regional and international issues. While the illegitimacy of the **apartheid** state is *sui generis*, all indications are that only purposeful negotiations which enjoy the support of the majority — as has happened elsewhere — can terminate it. [The question of how one determines the majority is crucial, but is really the topic for another discussion.]

Anguish has been added to this sense of illegitimacy by the inculcation — for more than a decade — of simple-minded anti-communism, and the perceived immediacy of a Soviet-inspired assault on South Africa from its neighbours. The consequential cycle of fear and deep paranoia, was compounded when three of its neighbours — Mozambique, Angola and Zimbabwe — became independent under avowedly Marxist-Leninist governments.

Parenthetically, a remarkable feature of modern history is how the struggle for national liberation in South Africa (and elsewhere in southern Africa) was distorted by the Cold War. Successive Nationalist Party governments have succeeded in portraying minority rule as an integral part of Western opposition to Communism. All western crusades are thus the responsibility of South Africa's minority. In turn, efforts to overturn the order were seen as motivated and driven by the Soviet Union. [Rhodesia is a good example, incidentally.] Conservatives in the West are still attracted to this view of South Africa's reality although a shift from fundamentalism to pragmatism in the United States may change this. As a result, South Africa's ruling minority has enjoyed the protection of the West for the 40 years it has practiced **apartheid**.

Informed by this interpretation of its plight, South Africa sees itself at the vortex of a confrontation between the so-called East and the self-styled West. In this conflict, South Africa's political and economic systems (and the various attempts to "reform" them) are neutral. The country is an innocent victim in a much larger conflict between two irreconcilable ideologies, a contest known as the Cold War. Politics, this reasoning suggests, is imported to "disrupt orderly government and progress".

## DESTABILISATION

In response to the perceived and real threat to its security, Pretoria's strategic planners — led by the South African Defence Force [SADF] — have energetically sought to destabilise its neighbours. Military action against these states has seen support for dissident armed factions in Mozambique, Angola, and it is rumoured, Zimbabwe, and military raids into these, and other, countries. In so doing, South Africa became known as the bearer of a secondary malady which — in its magnitude and scope — threatened to eclipse **apartheid** itself. This virus is known world-wide as regional destabilisation.

An important discussion underpins this claim: who makes regional policy? This question should not be glossed over, because it goes to the centre of the region's prospects for peace in the wake of President P. W. Botha's faltering grip on power. Strong evidence suggests that the military and

the police — under the generic title, the securocrats — have enjoyed unrivalled control over the past decade. Southern African history has been profoundly affected by this situation. The effects of their decisions (and their immediate consequences) on the peoples of southern Africa have been devastating as a number of authorities have claimed.<sup>4</sup>

But will this ascendancy last beyond P. W. Botha? The complex maze of joint management committees, some with regional links, are testimony to the influence which the securocrats enjoy. On the surface, the failure of Magnus Malan, in particular, in the succession stakes indicates that the securocrats may be a spent force. However, more thoughtful analysis suggests, given the magnitude of the crisis facing the country and the accompanying entrenchment of their power, that their influence will not simply be overturned by the change in leadership of the National Party.

### ECONOMIC ACTION

If military action is one pillar of South Africa's destabilisation of its neighbours, the other is economic. South Africa is able to exert considerable pressure on the region's transport network, for example. On several occasions it has drastically disrupted the flow of trade to, and from, the majority-ruled states and has also threatened to repatriate foreign workers whose remittances are important sources of revenue for their home economies.

Reliance on regional destabilisation to ensure domestic security has been costly for South Africa. The country has been branded with compounding endemic problems: spreading an untenable security situation in a region in the grip of serious economic reversal.

This has brought down the wrath of two sympathetic governments — Mrs Thatcher's and President Reagan's. Both were driven by different considerations, however. The former as a means to head-off sanctions; the latter in the wake of the early setbacks in the policy of Constructive Engagement. The accumulative effect was the same — destabilisation drew extensive international pressure and, in its wake, South Africa has had to reconsider its regional options.

This brings us to Pretoria's preferences for the region.

### ANARCHY

There is a line of reasoning which suggests that **apartheid** is best served by anarchy. As the strongest economic and military power and the most threatened, South Africa can use and manipulate sheer chaos to protect her best interests, the survival of the minority. Unhindered by competitors, the South African state can institute a client here, a surrogate there, and demolish them at will. In the end, the sheer power of the South African magnet draws clients ever closer, making them even more dependent.

Although attractive, unbridled machiavellian strategy has severe diplomatic limitations and is costly. To be fully effective, the target states (or surrogates) must be placid so that no counter-vailing pressure can be realised. As has been argued, the states in the region have an independence axis-appeal to the international community.

There is evidence to suggest that the reversal of South Africa's fortunes in southern Angola reveals the limitations on how far she can play the role of region's spoiler. Moreover, if the SADF has broken its ties with the Mozambique National Resistance Movement, Renamo (a point to which

we will return), then seemingly South Africa is unable to fully control its clients. In certain situations — Angola is a good example — might not the Unita tail be wagging the South African dog, to the latter's embarrassment?

Although regional anarchy makes sense in sheer power terms, indications are that external pressure on South Africa over destabilisation has generated counter pressure: Pretoria seems to have slowed the tempo of destabilisation.

There are two less overtly offensive strategies which Pretoria uses to defend, protect and extend its regional interests. Both require closer elucidation because they suggest ways in which Namibia's evolving role in the region may play out. The first can be called "co-option" and the second "incorporation".

### CO-OPTION

Co-option hopes to draw neighbouring states closer by offering economic largess in return for guarantees on the security of the minority. To wit: the effective policing of the African National Congress [ANC]. The trade-off is clear — South African money (or the promise thereof) is exchanged to shore up **apartheid's** lack of legitimacy.

This strategy has been partially successful. In March 1984, South Africa signed the Nkomati Accord with Mozambique which called upon both parties to respect the security concerns of the other, and committed each to increased economic co-operation. It has since become evident that the SADF (or elements within it) did not intend to abide by the arrangement and continued — and may well continue<sup>5</sup> — to apply military and support assistance to the MNR.

As a result, the agreement is in tatters and the relationship between Pretoria and Maputo has sharply deteriorated from more heady days. Although the South African and Mozambican Presidents agreed to resuscitate co-operation at Songo mid-September, 1988, South Africa's credibility was seriously impaired by the violation of the Nkomati Accord.

President Robert Mugabe's recent claim, for example, that South Africa's credentials in the Angolan settlement were under question, could follow from Pretoria's failure to keep its word in regional affairs. South Africa continues, however, to impress upon her neighbours a desire for them to enter non-aggression pacts — in other words, to become co-optive partners.

### INCORPORATION

The second strain, "incorporation", aims to develop tight, controlled links between South Africa and the target state. Although this strategy closely links domestic and regional issues, it has been ignored in the literature.<sup>6</sup> It relies on South Africa's immediate access to resources — especially lines of credit — through a maze of inter-leading and inter-linking structures which converge in two pseudo-international institutions, Secosaf<sup>7</sup> and the Development Bank of Southern Africa.

While the facades of both suggest neutrality, the entire edifice is **apartheid**-defined. The structure stands in a line of schemes which have their roots in the "Constellation of Southern African States" which was first suggested by the then Prime Minister John Vorster in 1976.

Despite the quite obvious political bias of these structures, Secosaf's General Secretary recently claimed:

"South Africa, Transkei, Bophuthatswana, Venda and



Ciskei, together with Secosaf, are concentrating on socio-economic development issues. Political posturing, which to a large extent typifies the UN and the OAU, is absent. This does not mean that political considerations do not play a role in our structure. The national aspirations of each State are, of course, important."<sup>8</sup>

A benign aim of incorporation is to draw together the elements of the South African state which existed before **apartheid** fragmented the country: in Deon Geldenhuys' phrase, "putting together what apartheid has put asunder." In so doing the fiction of homeland independence is maintained and the hope held out that, indeed, these states might gain limited international recognition. This is an important political proviso: states must act as equals. So targeted states must co-operate as full partners with the so-called TVBC states, Transkei, Venda, Bophuthatswana and Ciskei.

The motive underpinning incorporation is clear: an acceptance of the South African state and a concomitant recognition that it has urgent and legitimate security concerns. This infers, furthermore, that the South African security establishment has unfettered access into the target country, and that it will exercise this right when necessary.

There are some suggestions that at least two governments in southern Africa, those in Mbabane and Maseru, are being courted to participate in this scheme. The former case is clear-cut, the Lesotho Highlands Water Scheme is being financed by the Development Bank of Southern Africa. The evidence in Swaziland is less certain and, arguably, will fully evolve.

For states drawn to this type of relationship the risks are high: links with **apartheid** will severely damage their international standing. On the other hand given geography and the difficulty which other states have in projecting power into southern Africa, Pretoria often offers the only hope of economic salvation.

### ATTEMPTS TO RESIST

But southern African states themselves have attempted to resist South Africa's pressure: how successful has this been?

There have been several regional efforts to establish formal security arrangements outside of South Africa's direct sphere. One grew out of the initiatives taken by southern African states to assist in the elimination of white-minority rule in what is now Zimbabwe. Following majority rule, this collaboration turned to the problem of reducing economic dependence on South Africa. In 1979, the Southern African Co-ordination Conference (SADCC)<sup>9</sup> was established. The primary stated goal of SADCC is defensive — to limit South Africa's capacity to inflict economic hardship on its neighbours. A more illusory goal is the promotion of equitable economic integration between its members.

The choice of the adjective "illusory" is deliberate. From this analysis, it is obvious that the weight of South Africa's economy can (and does) induce havoc with such plans. It is easy for South Africa to play the SADCC states off against each other. This raises serious doubts about the capacity of SADCC to achieve integration without the participation of the region's strongest economy, South Africa's.

It also presents an interesting theoretical problem: the process of integration implies a surrender of sovereignty

between those involved in the process. In the SADCC's case the stated intention is in defence of sovereignty (against South African violations). Was SADCC's hope of integration doomed from the beginning?

South Africa's military incursions in the region have also generated discussion amongst SADCC members on closer military co-operation. At the September, 1986, Summit of the Non-Aligned Movement, held in Zimbabwe, a security fund for southern Africa was established. This represents the first joint military response to South Africa's regional policies. In addition, several outside powers — notably Britain — have indicated a willingness to provide military assistance to frontline states. Zimbabwe's reported determination to purchase sophisticated fighter aircraft is an additional indication of the desire to counter South Africa's more bloody regional goals.

There are, therefore, two frameworks for integration in southern Africa: one is located in the frontline and focusses on SADCC. A second, sponsored by South Africa, has two strands, both aim to tie neighbouring states closer to the security requirements of minority rule.

### NAMIBIA

How will the independence of Namibia play in the process of integration and disintegration in southern Africa? To this we now turn.

It is helpful to begin in the air because the inability of the SADF to match what their opponents could put into aerial combat put Namibia back on the independence track on the lines outlined in United Nations Security Council Resolution 435. The resulting setback at Cuito-Cuanavale set in train a process which was unthinkable 18 months ago: Pretoria's willingness to abandon its 78 year grip on the contested territory of Namibia. Costs obviously also played a role: especially given that the joint Cuban-Soviet forces were able to counter South Africa's traditional hold on regional affairs.

It needs to be emphasised that Cuito was a failure of a wider strategic game, even if it was not a reversal in the sense of a battlefield defeat. History is replete with examples of well-equipped, well-motivated armies which have failed because generals or — more correctly — the politicians behind them, were unsure of a strategic objective.

South Africa's goals in Angola were uncertain and, over time, untenable. They relied for their international acceptability on the Reagan Doctrine which was the product of a naive, zealous and ideologically-driven Administration, as the Hearings on Colonel Oliver North will certainly reveal. South Africa's objectives meshed comfortably with Reagan's world view, but Pretoria itself was not able to identify what it might do (or from where it would get support) if the SADF actually took Luanda. Washington, for its part, began to question the desirability and efficacy of supporting Unita, when it became obvious that South Africa — not the Soviet Union or the Cubans — was the font of regional stability. With this, South Africa's goals collapsed: a settlement in "south-western Africa" followed.

Those who have tracked the discussions on the peace process will immediately detect no mention of the growing disillusionment with the war at home (a perspective which, incidentally, I have also used<sup>10</sup>) and no hint of the changing power relations between the bureaucrats and the securocrats. These events were the consequences — rather than the causes — of the failure of South Africa's strategic objective.

## AFTER THE ELECTION

Whatever the mathematical mix after the election, Swapo will govern Namibia. Given the organisation's roots and the long years of patronage which they have enjoyed from the frontline states, there is little doubt that Namibia will become a fully-fledged member of SADCC. It will be drawn into the political cause of weakening South Africa's hold on the frontline states. Like other states in the region the new government will not find this easy.

Two additional draglines make Namibia's frontline goals even more troublesome. First, that country is more closely integrated into South Africa than any other southern African state. The tie has been unencumbered by the "international" formalities which have marked relations between South Africa and the other states of the region. Any attempt to sever the economic links between South Africa and Namibia will be like trying to separate, say, Natal from the rest of the country.

Secondly, because the relationship has been so integral, Namibia is more vulnerable than any other state to Pretoria's direct pressure. Agony is added to this by South Africa's first-hand understanding of that country which is unrivalled in any other decolonisation experience.

The real choice before the new government in Windhoek will be to balance these latter functional interests against their instinctive sympathy towards the frontline. It will not be an easy choice to make.

Namibia will become both a formal member of the Southern African Customs Union and a member of SADCC. With Botswana, Lesotho and Swaziland, Namibia will officially have a foot in both southern Africa's two camps.

The country's independence, however, needs to be judged on a wider canvas, because it holds out real hope for the liberation of the entire sub-continent. The decision by Pretoria to jettison its commitments to that country represent the first time in 41 years that the Nationalist Party has surrendered territory by negotiating — not with itself or its puppets — but with the international community.

1. *Reality*, Vol. 20, No. 4 (July, 1988), pp. 15-16.
2. See Wilhelm Liebenberg, "The storie van die Grensverhaal", *Optima*, Vol. 36, No. 4 (December, 1988), pp. 182-187.
3. E. B. Haas, "The Study of Regional Integration: Reflections on the Joy and Anguish of Pretheorizing", *International Organization*, Vol. 24, 1970, p. 610.
4. See, for example, Joe Hanlon, "Beggar your neighbours: Apartheid Power in Southern Africa", London, Catholic Institute for International Affairs in collaboration with James Currey, Indiana University Press, 1986. Also see Francis Wilson and Mamphela Ramphele, "Uprooting Poverty: The South African Challenge", Cape Town, David Philip, 1989.
5. *Die Burger*, 1 March, 1989, p. 13.
6. For an exception, see Marie Muller, "Multilaterale sameweking in Suide-Afrika", *Politikon*, Vol. 15, No. 1 (June, 1988), pp. 90-104.

This itself was the function of the deepening rapprochement between the Superpowers which is an event of truly historic significance. This agreement to co-operate over Namibia offers a hint — no more — that Washington and Moscow could agree to manage the South African dispute. If consensus can be reached with other major powers — particularly, Britain — then a negotiated end to the other hurdle to integration, **apartheid** itself, may be closer than we dare think.

## OPEN THE WAY

Do not read into this that peace will come to the country or that the regional integration will immediately follow. The negotiated end of **apartheid** may open the way to tackle micro-issues — like those in Pietermaritzburg — or macro-issues — like the important debate on redistribution — which have resulted from **apartheid's** wanton destruction. If this happens, the prospects for the region developing purposeful institutions aimed at securing economic (and, perhaps political) integration appear brighter.

This is why the example effect of Namibia<sup>11</sup> is important and urgent. If things go badly and the peace process under SC Resolution 435 turns to chalk, South Africa's own transition looks far more stony and the region's divides will be further exacerbated.

By omission Alan Paton cast South Africa in a calm, tranquil sub-continent; a sea without storms. Today, southern Africa is caught in a paradox: deepening economic interdependence is accompanied by political and diplomatic conflict which frequently involves cross-border violence. The effects of this structural contradiction are felt throughout southern Africa, throughout the international community. It is not surprising, therefore, that many consider southern Africa to be caught in one of the great storms of our times.

Those who live here ignore the resulting tempest at their peril: the non-racial democracy for which our people yearn will certainly be part of southern Africa's grim failure, or at the forefront of the prosperity its peoples so richly deserve.

7. SECOSAF — Secretariat for Multilateral Co-operation in Southern Africa. Seen, by its proponents as "(B)asically, . . . a southern African United Nations . . ." SECOSAF — Secretariat for Multilateral co-operation in Southern Africa, Annual Review, '88/'89, p. 1.
8. *Ibid.*
9. *Comprising Angola, Botswana, Lesotho, Malawi, Mozambique, Swaziland, Tanzania, Zambia, Zimbabwe.*
10. See Peter Vale, "Diplomacy and Delusion: The Bothas in Search of Africa", *Reality*, Vol. 21, No. 1 (January, 1989), pp. 16-19.
11. In a recent essay I have expanded further in this theme: see Peter Vale, "Beyond the Bend: South Africa, Southern Africa and Namibian Independence", *International Affairs Bulletin*, Vol. 12, No. 2, pp. 25-34.

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# MAPUTO REVISITED



*The Polana Hotel*

As the small plane broke through the low cloud and the outlines of the city below became clearer a wave of elation swept over me. I was coming back to a place which had been home during my formative years after an absence of more than a decade. Nervousness swiftly tempered my excitement. What would I find down there? I thought of the dominant images of Mozambique fed us through the media: the post-colonial "piri-piri" journalism that told of failed revolutions, war, economic collapse and unrelenting human misery. Was the collapse total? Was anything working? A lot of water had gone under the bridge politically since my colonial youth. Would I recognise anything familiar in the new society?

Having successfully negotiated the entry formalities one of the first landmarks of the new Mozambique was Heroes' Square on the road into town from Mavelane airport. An unpretentious low star-shaped structure, it was a stark reminder of the tragic death in October 1986 of Mozambique's President and 33 others in a plane crash under circumstances which have still to be fully explained. The South African trade mission has been repaired, but the Malawi embassy still shows signs of damage inflicted when popular anger against the two regimes erupted into violence after the crash.

Despite the mutual suspicion which characterises official relations I encountered no problems as a visitor from South Africa. To the contrary, I was accepted there as being on legitimate business and made to feel welcome. It was clear that the quarrel was with the apartheid system and its supporters and not with individuals who happened to be from South Africa.

Coming from Durban I was immediately struck by the relaxed atmosphere of Maputo. For a country at war the capital was surprisingly calm. There were no armoured vehicles patrolling and very little evidence

of a military presence on the streets. Mozambicans I met and spoke to in the course of my business and whilst exploring the city were helpful and direct in their dealings with me. The absence of racial tensions and undertones was very marked and came as a real breath of fresh air. Walking around the streets I actually felt safer than I would have in similar situations in Durban. In many respects Maputo has maintained the laid-back Lusitanian feel of colonial Lourenco Marques and has developed in addition its own particular African flavour.

Whilst Maputo's soul is in fine shape its physical infrastructure is not. Symptoms of urban decay are apparent wherever you look. Essential urban services such as water, sewerage, rubbish disposal, electricity and public transport are increasingly fragile. Roads are in need of repair, the telephones are uncertain and lifts in multi-storied buildings suffer from lack of maintenance. Part of the problem is that colonial Lourenco Marques was designed for Portuguese settlers and it was never intended that it should hold a million people



*Maputo*

as Maputo now does.

Massive urbanisation following independence might have been manageable with a healthier economy and peaceful conditions, but Mozambique benefitted from neither of these. The rapid decline of the economy since 1981, occasioned in large measure by the war, has led to considerable hardship for Maputo's residents. The rows of closed shops with no commodities to sell speak of an urban crisis which is linked to the collapse of the agricultural economy. The urban environment depended on an agricultural surplus for food and for foreign exchange to buy fuel, spare parts, manufacturing inputs and imported consumer goods.

From 1982 absolute shortages of basic consumer goods began to be experienced and a black market rapidly developed accompanied by hoarding and speculation. Prices of goods on the black market were beyond the means of ordinary city dwellers unless they too got into the system. The government attempted to cushion urban workers' wages by providing a basic minimum monthly ration at controlled prices through the consumer cooperatives but the quantities allocated were not sufficient and in the end could not be guaranteed.



*Petrol queue*

In 1983 the government instituted "Operation Production" in response to complaints from city dwellers that a large unproductive group of urban immigrants were stretching Maputo's resources to breaking point. In a campaign which lost Frelimo much support influx control was introduced and people unable to provide documentary evidence of their right to be in the city were repatriated, during a "voluntary" phase, or sent to the North to help in the harvest.

It has been accepted that compelling people to leave Maputo in this way was counterproductive, but the problem still remains. Frelimo has shifted its approach and is now tackling the issue on two fronts. It is taking measures to make rural life more attractive to stem the flow of people into the city, and it is encouraging the development of "green zones" around the city producing fruit and vegetables for the urban market.

To do this it has raised producer prices on a range of agricultural commodities and it has decontrolled the



*Children in Maputo*

fresh produce market, allowing prices to find their own level. The result has been that greens are now plentiful in Maputo's municipal market, but prices have moved up to the previous black market level, beyond the pocket of working people. Wages have recently been raised, but the currency has also been devalued by over 400%. Urban housing rentals have also been increased, but employed workers receive a subsidy. This move seems to be designed to limit the population density without using the unpopular administrative methods employed in "Operation Production". To survive economically in this environment working people have to have recourse to a barter economy which inevitably lowers the general rate of productivity.

Those with access to foreign currency — diplomats, aid agency personnel, contract workers and people in the growing private sector do not have the same problems of survival. The Interfranca shops provide a wide range of domestic consumer goods unavailable elsewhere in exchange for dollars or rand. They have an ugly feel about them: they are islands of plenty which attract all sorts of wheelers, from the kids who compete to "protect" customers vehicles outside to the black marketeers and currency speculators cruising inside. They are necessary in order to keep the expatriate community upon which Mozambique depends for aid and expertise, but they help reinforce privileges Frelimo itself fought against.

Observing the salience of aid agencies and expatriate experts in Maputo I felt that although their presence was necessary under the prevailing circumstances it operated to further limit development options for Mozambicans, and that South Africans would do well to avoid travelling so far down this road in a post-apartheid future.

Life in the suburbs for expatriates retains something of the flavour of my colonial childhood. Comfortable accommodation, domestic labour, the family at home for the main midday meal during the two-hour business closure, and now an International School instead of the English one I attended.

Other continuities I saw related to language and culture. Joining the early evening street life of the





*Municipal Market Staff*

suburbs I was struck by the near universal use of Portuguese as the language of informal communication and reflected that in the city at least there was a high level of acculturation.

It was also apparent through my limited dealings with the bureaucracy that much of the Portuguese mode of thinking about and dealing with problems had been accepted and taken over as the dominant rationality. When coupled up to central planning East European style it seemed to me to be a pretty potent recipe for bureaucratic inertia.

Many of the civil servants I saw were young people holding responsible positions and I was impressed by their optimism for the future. For them there was no question that a major part of Maputo's current problems were due to Pretoria's undeclared war and that peace in Mozambique was a distant goal as long as apartheid survived in South Africa.

Throughout my visit I was conscious of South Africa's physical proximity. Listening in to the SABC was like hearing voices from another planet only 120 km away. Everything back home was fine and sport and motor accidents continued as usual. A world of order, plenty and simple formulae beckoned the cosmic traveller back to safe normality. Re-entry was a shock, even after such a brief absence. The contrasts between the two are stark, and yet the future of both is inextricably linked.□



*Shoeshine*

# RURAL DISLOCATION

The poorest rural people of South Africa have very little defence against the continual dislocation of their lives by evictions, relocations, expropriations and the arbitrary shuffling of Bantustan boundaries. The desperate struggles of individuals and communities to maintain some security and stability usually take place far away from public view.

Below are some case studies from the files of Grahamstown Rural Committee and the Transvaal Rural Action Committee. More reports will follow in later issues.

## POTSDAM

From a report by the Grahamstown Rural Committee.

The community at Potsdam have been suffering for seven years. In July 1983 they were forcibly removed from their home at Blue Rock, South Africa and dumped in the Ciskei. This was "because they are Xhosa people". Thus they became citizens of Ciskei on December 4, 1981 and ceased to become SA citizens. They are "aliens" or "foreigners" in SA.

In Potsdam people have died in large numbers from tuberculosis contracted there, they have lost their jobs and barely manage to survive. There is continual harassment from the Ciskei police and people have also died at the hands of the vigilantes.

In all this time the community, with the help of the Grahamstown Rural Committee (GRC) has made great effort to be reinstated as SA citizens. Numerous applications have been made to the Grahamstown courts in a case between the Potsdam residents and the SA government plus the Minister of Home Affairs. Because of the harassment that they are suffering the community applied to the courts as a matter of extreme emergency but on more than two occasions the court has postponed hearing for lengthy periods, thereby abandoning residents to continued harassment. These delays are seen as a deliberate means of preventing the community from regaining permanent residence and citizenship of South Africa. The delays continue at present.

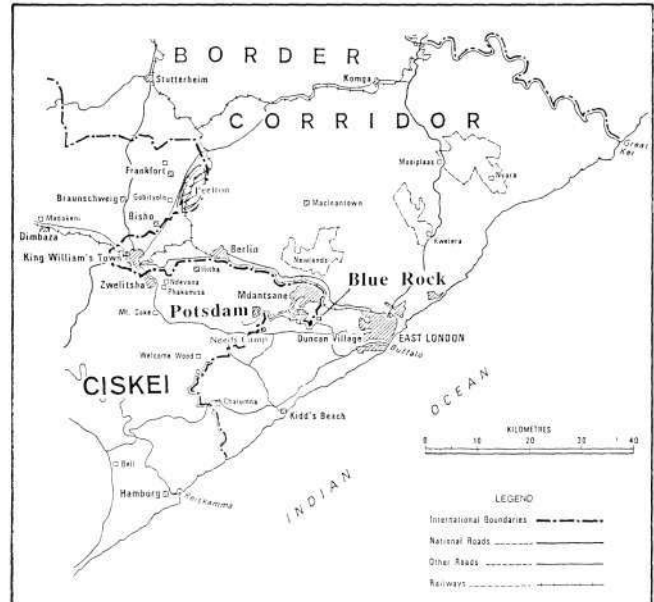
The community has fled the Ciskei twice, erecting squatter shacks at the roadside near Fort Jackson on the SA side of the border. Both times they were forcibly removed back to Ciskei by SA authorities.

By 1987 the community was losing its cohesion. The residents' association was not functioning properly and the court cases took the initiative away from the people. Their fate was to be decided by court and they could do little but sit passively and await the outcome.

Their houses are built of wood, iron, mud and parts of shipping containers. Many are shacks with rocks on the roofs to prevent them being blown away in strong wind. There are a few taps and prefab toilets placed at random. Mother Theresa expressed a wish to visit the "Bush People of Potsdam". She did briefly meet a few of the leaders.

### BLUE ROCK

The boundary between the Ciskei and the Republic of South Africa runs through or in the vicinity of the area known as Blue Rock. There is, however, no fence or natural barrier indicating the position of the boundary. A group of residents applying to reinstate their SA citizenship stated that most, if not all, of the persons living at Blue Rock



in December 1981 resided on the South African side of the boundary and that they themselves resided on "Farm 1281". Land surveyor George Eddy confirms that Farm 1281 lies within the Republic of South Africa. The community says that for all purposes such as the payment of pensions, health services, court actions, etc., they were accepted and regarded as being SA citizens. Until the 12th June 1983 they lived at their homes in Blue Rock. On 12th June 1983 they were removed from Blue Rock at gunpoint by Ciskeian police who demolished their houses and took them to Potsdam in the Ciskei. They were left bewildered, in the open veld and they had to set about trying to provide shelters for themselves and their families there. They were also assaulted and harassed by the police and had to produce development tax receipts.

### MRS YAWA

Mrs Yawa, aged 40, lives in a shack in Potsdam. Her husband died in December 1988, of tuberculosis contracted in Potsdam in 1983. Due to his failing health he was forced to leave work in 1984. Mr Yawa was a member of the Masakhane Burial Society. He was in arrears to the amount of R80 when he died. The family had to negotiate with the society to get a coffin and a collection was taken to pay for the funeral. Mrs Yawa has four children; two were attending school but had to leave because the family could not afford the costs. While at Blue Rock Mrs Yawa managed to get domestic work. Now she is forced to beg for food from her neighbours. "We must sleep without meals when we cannot get something from sympathetic people. We preferred Blue Rock. We are assaulted here time and again by Ciskei police demanding taxes. (She showed scars on her legs from being assaulted with sham-



boks.) We were never asked for taxes before. We were told in the early hours of the morning that we were to be taken to Mdantsane only to find that we were dropped here. We were placed in an open space and given tents.”

There are many such painful stories throughout the community.

### THE POTSDAM THREE

An application by three residents of Potsdam to be declared permanent residents of South Africa has been argued in the Grahamstown courts. The residents, Mrs Nellie Nozewu, Mrs Velile Dasi and Mr Popo Ntwanambi applied for a court order:

- Confirming their right to permanent residence in SA, without any permit or exemption.
- Interdicting the government from preventing them from being permanently resident in SA.
- Interdicting the government from subjecting them or their families to forced removal from SA.

The residents stated that they were born in SA, acquired citizenship by birth and have not relinquished it. At all times they have been permanently resident in SA and of Blue Rock.

On 22 January this year the Supreme Court delivered its judgement which gave the above residents of Potsdam the right of permanent residence in SA without permit or exemption. The court found that the community had been unlawfully removed from Blue Rock in SA into the Ciskei.

The SA government has since given notice of its intention to appeal against this judgement. This could take up to two years to be heard, thus frustrating the community for a further two years. The entire Potsdam community are in a position identical to that of the three applicants.

Although the court has given the people of Potsdam the right to permanent residence in SA, it has not given them a specific place to go to in SA to settle. The backlog of African housing is enormous. Even if the community could afford to pay township rents, which they cannot, they would find it almost impossible to acquire housing. They were “squatting” at Blue Rock and with new legislation will find it illegal to go back to this.

In 1986 SA enacted the Restoration of SA Citizenship Act. This act provided that persons who had never lived in an independent homeland such as the Ciskei, who lost their SA citizenship on the independence of that homeland and who have ever since remained resident in SA could regain their SA citizenship. Crucial to an application to regain SA citizenship is that one must be resident in SA at the time of making the application. Thus the struggle for a place to stay is important to their regaining their SA citizenship. The quest is now to settle on SA land. So far the people of Potsdam have not received any help.

While SA is not under a legal obligation to provide them with a place to stay, the government is certainly under a moral obligation to do so, firstly because it allowed them to be forcibly removed to the Ciskei by the Ciskeian authorities in the first place; secondly because on two occasions SA itself forced the community back into the Ciskei and was responsible for the suffering and deaths that occurred in consequence; and thirdly because until the community is permanently resident in SA they cannot regain their SA citizenship and thus be guaranteed access to SA medical services and old age pensions etc. Thus if SA is slow to meet their needs there will in all likelihood be another emergency situation created by a mass exodus, something that can only add to the suffering of the community and serve to embarrass SA further.

### STOP PRESS

## POTSDAM EXODUS

On Tuesday 11 April the third exodus of the Potsdam community began. More than 500 people settled on an unused farm near Mount Ruth in South Africa. The farm is owned by the Department of Development Aid (DDA). Police arrived on the scene during the first night but residents showed them the January court judgement and the SAP seemed satisfied that nothing was amiss.

DDA has said they will provide land for the community. They are responsible for the administration of rural black areas, though they have never intervened on behalf of the community before. Minister Viljoen has approved that the Potsdam people be settled on a portion of Farm 303.

People are living under plastic shelters using thorn bushes as frames. Doctors have visited the farm and emergency supplies have been sent by relief agencies.

The community plan to call their new home Eluxolweni, “Land of Peace.” □



Potsdam

# BRAKLAAGTE

From a report by the Transvaal Rural Action Committee.

Since this account of events at Braklaagte was written all its people's worst fears have been realised. They have been incorporated into Bophuthatswana. The incorporation was followed almost immediately by an invasion by Bophuthatswana police and soldiers. They stopped buses taking children to school, asked the children whether they were South African or Bop citizens, and beat up those who said they were South African. From there they set out on a rampage through the community, beating, arresting, torturing as they went. Bophuthatswana has a Bill of Rights, once much admired as an example the rest of South Africa might follow. It is plainly quite useless in protecting the people of Braklaagte from the kind of government to which they have now been handed over, and which is supposed to administer it.

## INTRODUCTION

In December 1988 the South African government gazetted a proclamation incorporating the western Transvaal community of Braklaagte into Bophuthatswana. This action, like the incorporation of Moutse into the Kwandebelo homeland on New Year's Eve two years earlier, was taken in the face of massive community opposition. Should the government press ahead with its decision, the result could well be bloodshed.

## THE POLICY OF INCORPORATION

"Incorporation" refers to the process through which the South African government transfers black people and their land into the homelands through the redrawing of boundaries. Whilst this might sound like a technical and bureaucratic procedure, it is in fact a central foundation stone of apartheid policy and has devastating implications for people affected by it.

Moutse is perhaps the most dramatic example of resistance to the incorporation. But all around the country from Botshabelo in the Free State, to Peleton in the eastern Cape, to Matjakeneng and Braklaagte in the Transvaal, incorporation threats have catapulted communities into active resistance. It is a policy which the state has relied on increasingly since its statements that it no longer practices forced removal of communities from land that they own.

## WHY DO THESE COMMUNITIES REACT SO INTENSELY TO INCORPORATION?

The fierce anger with which communities fight incorporation is founded on both a political objection to the apartheid assumption that blacks should exercise their political rights in the bantustans, as well as on direct experience of the material deprivation and repression that homeland residence means.

In these areas welfare, social security and educational services are inadequate and inferior to those available in South Africa. Pensions are often lower, or non-existent, shortages of medical services and staff far worse, and schooling much more expensive. The administration in the homelands has time and again been shown to be riddled with corruption.

Most of the revenue used to run the homelands comes from South African sources.

Many of the bantustans and particularly those which are "independent" have used their law-making powers to legislate with an iron hand. In Bophuthatswana, there may be a bill of rights, but any meeting of more than 20 people, whether indoors or out is illegal unless the permission of the Minister of Law and Order is obtained. In the Ciskei senior police officers stood trial for the assassination of anti-apartheid leader Eric Mntonga. In Transkei, prisoners

recently took the government to court in an attempt to expose the inhuman conditions in the prisons. In Kwandebelo the vicious Mbokodo vigilante group was formed by the government.

Repression, corruption, poverty, an inhumane bureaucracy and loss of citizenship. These are the consequences of incorporation. These are the reasons that it is so vehemently opposed.

The large communities such as Moutse and Botshabelo have tended to make headlines around resistance to incorporation. But there are many smaller and more vulnerable communities that are currently under threat. Particularly, those communities affected by the Borders of Particular States Extension Amendment are in a serious situation. This act enables the South African government to transfer land and people to the jurisdiction of the "independent" homelands of Transkei, Ciskei, Bophuthatswana and Venda. In most cases these land deals are negotiated between the South African government and these independent bantustans without the consent of or consultation with the communities concerned.

Braklaagte is an example of such an area.

## BRAKLAAGTE

Twenty kilometres outside of Zeerust on the road to Botswana an old and established village nestles in the Marico hills. The farm Braklaagte was bought in 1907 and is the home of about 10 000 members of the Bahurutse ba Sebogodi tribe. At first glance Braklaagte presents a picture of rural tranquility. But the peace in this village has been threatened many times by government attempts to remove the area and to control its people.

Braklaagte's people have had to fight for the land they bought as a heritage and a haven for their children and for future generations. This battle is still continuing today.

The first time the community was threatened with removal was as far back as 1938. A headman and 40 families from a neighbouring farm were forcibly removed as the first steps in an attempt to get rid of the growing African population resident in this area. This attempt was resisted by the community and the outbreak of World War 2 prevented the government from seriously implementing its threats. Twenty years later, at the height of government attempts to implement the unpopular bantustan authorities act and to force African women to take passes, Braklaagte was again threatened with removal. John Sebogodi, then chief of Braklaagte was imprisoned in Pretoria in an attempt to break the resistance to removal. At the same time Braklaagte was swept into the midst of an uprising in the Zeerust area against passes for women. When Abram Moiloa the popularly recognised chief of the district was



deposed and Lucas Mangope imposed in his place the resistance flared up into violent confrontation.

Passes were burnt, houses were attacked, men and women were arrested and charged. Once again the militant resistance of the Braklaagte community and the politically volatile situation in the Marico area meant that removal plans were left in abeyance.

Over the next 20 years the government slowly moved ahead with its plans to entrench apartheid structures in the rural areas. Land was bought for Bophuthatswana. Lucas Mangope, the bantu authorities chief who replaced chief Moiloa became Chief Minister and moves towards independence for Bop increased in intensity.

Finally in 1976, Bophuthatswana took independence. Braklaagte together with the neighbouring farm of Leeufontein was left outside of Bophuthatswana because of its location in the midsts of a corridor of white farms.

This situation was not to remain. During the 1970s the Commission for Co-operation and Development was established to hear evidence and make recommendations to the government on the question of consolidation.

The final decision of the commission was that all the farms in the Marico corridor, including Braklaagte and the neighbouring farm of Leeufontein should be added to Bophuthatswana. The white farmers would be bought out and the black owned land would be incorporated. The government accepted this recommendation and went ahead with plans to implement it. This included negotiating a consolidation agreement with the Bophuthatswana government.

The first the Braklaagte community heard of these developments was in July 1986 when it was informed of the pending incorporation by the Zeerust Commissioner and a Pretoria official. The decision was presented to the community's leaders as a fait accompli. They were told that the government was only waiting for the white farms to be bought out and then the incorporation would go ahead.

### **COMMUNITY RESPONSE**

The community responded angrily to the news of the incorporation. A tribal meeting was called to discuss the crisis. At this meeting nearly 3 000 adults signed a petition rejecting the incorporation and stating their conviction that they should remain under central government jurisdiction. In addition to this a decision was taken that all residents immediately apply for the restoration of their South African citizenship which they lost when Bophuthatswana was established. This was done as a statement to the government of the community's commitment to remain inside the RSA.

### **CONSEQUENCES OF INCORPORATION**

The question of citizenship rights and denationalisation figure prominently in the reasons for Braklaagte's opposition to incorporation. Until the abolition of influx control in July 1986 all Tswana, Xhosa and Venda speaking people automatically became citizens of their respective homelands as soon as they became independent. When the pass laws were abolished, people who had lost their South African citizenship in this way, could apply for the restoration of their South African citizenship. This was conditional on their being able to prove that they were permanently resident in South Africa in July 1986 and had left the homeland before independence. But residents of the

independent homelands had lost this right permanently. They are aliens who do not have freedom of mobility within South Africa and may be required to have permits to work and live in South Africa.

The tribe fears that should it be incorporated their children will be born as citizens of Bophuthatswana and will not be able to have rights to live and work in South Africa.

In addition, the Bophuthatswana government has taken up an extremely hostile attitude towards its citizens who opt for the restoration of their South African citizenship and the renunciation of Bophuthatswana citizenship. There are no provisions for dual citizenship in Bophuthatswana. People who opt for South African citizenship are often regarded as traitors and experience severe discriminations.

President Mangope himself, has made clear his attitude to such people. In a letter to the Star newspaper in April 1987 he said that Bophuthatswana had attained its "successes" without any help from those "Tswana", "that is South African Batswana who are opposed to our existence. We have never thought of them as anything but South African. . . . We need to know those people who do not identify with us because there are many of them who, while denigrating us, have the best of both worlds. . . . We are interested in knowing exactly who is throwing their lot in with us and who is not. We are not interested in those who choose to be foreigners and use us from afar."

Should the incorporation go ahead they will be South African citizens resident in Bophuthatswana. This means they will have no automatic rights. Not only will they have to apply for residence permits, but they run the risk of being denied access to social and state services in the same way that non-Tswana residents of Bop have been ever since independence.

### **MOSWEWU**

In 1927 the tribe resident at Braklaagte bought a farm called Welverdiend about 20 km away from the main village to be used as a cattle post. Over the years, substantial numbers of Braklaagte residents have settled there. Today Welverdiend or Moswewu as it is known in Tswana has a school and a clinic. Until 1983 it was administered by a headman appointed by the chief at Braklaagte. In that year the area was incorporated into Bophuthatswana. Since then its residents have known nothing but hardship.

After Moswewu was incorporated, a new headman Edwin Moiloa was appointed by Bophuthatswana to look after its interests in the area. The majority of Moswewu's residents rejected his claims to headmanship because they only recognise the authority of people empowered by their chief at Braklaagte. Edwin's installation was neither discussed, nor sanctioned by the Braklaagte tribe.

Edwin's lack of legitimacy and the refusal of the tribe to deal with him has resulted in his attempting to force his authority on the residents of Moswewu. In late 1987 he and his men raided a building built by pensioners to be used as a meeting place. They confiscated all the furniture in the place.

In early 1988 the same men raided the village claiming to be carrying out a Bophuthatswana government census. People were assaulted and property was confiscated. They were told they could get their belongings back if they paid a fine, but were not told what the fine was for. In other incidents around the same time people had donkeys and

carts confiscated by Moilola. Again they were told to pay fines to get them back.

The harassment of individual residents has been serious, but Edwin's actions have been to the detriment of the community as a whole. For years it has been customary any Moswewu has access to a local quarry where sand for making bricks is found. Edwin has stopped residents from using this sand and has allowed a building company from Dinokana to use the sand on the basis of a private contract between himself and them.

There is a severe water shortage at Moswewu. Early in 1988 a company which employs some of the Moswewu men offered to drill a borehole free of charge. The community gladly accepted this offer. However, when drilling started, a contingent of Bophuthatswana police and soldiers arrived together with Chief Godfrey Moilola, the magistrate from Lehurutse and Gilbert Moilola and forced the drillers to stop working and leave the farm. The company then tried to negotiate with the central Bophuthatswana authorities for permission to drill. This was obtained, but the local authorities were still not prepared to let the project go ahead. Nearly a year has passed and the Moswewu residents still have no water.

There has already been one death in Moswewu as a result of the tension and conflict caused by the incorporation. (One of Edwin Moilola's supporters died after he was hit by a young migrant who tried to prevent him from confiscating his parent's property.) The rest of the Bahurutse ba Sebogodi tribe see these tragic events at Moswewu foreshadowing their fate should incorporation go ahead.

#### **GOVERNMENT RESPONSE**

In June 1987 the government began to move ahead with the incorporation. A resolution was put on the agenda of one of the parliamentary standing committees to enable the technical steps that are a prerequisite to incorporation to go ahead. Following protests in parliament this was dropped. During debate in parliament on Braklaagte Minister Viljoen stated his belief that the community had agreed to incorporate, but also conceded that should this not be the case he was prepared to consult on the matter.

For almost another year the community heard nothing from the government about incorporation. Towards the end of 1988 rumours that the incorporation was imminent swept the community. Another approach for clarity was made to the government. This time the response was that no steps would be taken without consultation. On 5/12/88 the community's attorneys were informed that Dr Gerrit Viljoen and members of his department would meet the community on

15/12/88 to discuss the situation.

During this meeting the community put forward a memorandum which explained their reasons for opposing the incorporation and the problems it would cause them. The response from the government was that it had now heard the opinion of the community but that the community had not expressed its feelings to the government before and a final decision had now been taken. It was said it was extremely difficult for the government to change policy decisions, however the government undertook to consider all arguments before taking any steps.

The community left the meeting feeling that there was now some hope in the matter. On 27/12/88 the community and its attorneys were informed that the incorporation would be gazetted on 31/12/88. Telexes were sent to the government requesting that this be postponed pending further meetings. However the gazette had already been published and was in the process of being distributed. On 30/12/88 a rule nisi was granted stating that the matter should come to court on 7/3/89 and that the government show cause why the order should not be set aside.

During the process of the court case two important facts came to light. On 24/11/88 the director general of the department of Development Aid sent a memorandum to Dr Viljoen setting out the steps that needed to be taken to expedite the incorporation of Braklaagte. This was signed and agreed to on 28/11/88, a full week before the government contacted the community for a meeting. The proclamation incorporating the community was signed by Dr Viljoen on 20/12/88, only one working day after the meeting with the community.

For the Braklaagte tribe this sequence of events as well as the years long delay before the government met it, has raised fundamental questions about the sincerity of the government's commitment to negotiate with black South Africans. It believes that the meeting on December 15 was no more than one of the necessary steps before the incorporation went ahead and that the decision to incorporate had already been made.

For the Braklaagte community there is little time left. Despite the pending court case the administration at Zeerust has already withdrawn the services it has provided them in the past. For now they are in limbo. Their children have been refused admission to Zeerust schools. But Bophuthatswana schools will also not take them. The reason given is that they are RSA citizens. This may well be the beginning of a refrain that the community will hear over and over again in relation to any requests for government services and social security. □