

MAY 1990



SECHABA

official organ of the african
national congress south africa

COMRADES IN ARMS

PRESIDENT O.R. TAMBO AND NELSON MANDELA
IN STOCKHOLM SWEDEN 1990



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And Umkhonto We Sizwe, the People's Army**

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The above are South African times

THE RIGHT TO STRUGGLE IS INALIENABLE

The decision by the African National Congress to meet the De Klerk government was taken after a careful scrutiny of the implications of its unbanning by the Pretoria regime and the release of its leaders. In analysing the newly-created political climate, it was felt that talks could begin about the creation of the right climate for negotiations to take place.

This decision in no way signified an end to the ANC's armed or other forms of struggle it has employed throughout the 30 years of its banning. It was, in fact, a recognition that through consistent struggles over the years, the people of South Africa have been able to force the racists to the realisation that the apartheid system has no future, that there can be no forward movement without the full participation of the ANC in that process.

The ANC leadership received complete support from the ANC membership and supporters for its decision to meet the De Klerk regime. A date was set for April 11th for initial talks which would seek to remove all obstacles standing in the way of a negotiated solution to the South African problem. Understandably, a mood of intense expectation took hold of most patriots who saw in this new development a possibility of apartheid becoming a phenomenon of the past and a new democratic and non-racial system coming into being.

In this situation, where the people's political expression had continuously been stifled by a state of emergency for more than four years, we would have expected that the regime would have moved swiftly to lift the state of emergency. Where decades of political repression had denied the ANC and other organisations the right to organise freely, the logical thing to do would have been to create a climate of free political activity.

The De Klerk regime, an heir to a system whose survival has always depended on violence, failed to rise to the occasion. Instead, the increased political activity of the people was met with violence by the police and army in various

places. In Sebokeng more than 17 peaceful demonstrators were killed; an uprising in Bophuthatswana was put down by the Bophuthatswana police surrogates of the South African regime together with the South African Defence Force; police units stood by the Inkatha supporters who massacred scores of people in Natal. Clearly, a situation far worse than that prevailing before February 2nd had come into existence.

The real measure of any leadership's quality is its ability to move with those it leads and to be sensitive to their feelings and demands, especially at times of great political upheavals. It was with this sense of duty that the leadership of the ANC decided to suspend the talks with the De Klerk regime. Talks could not go on with a regime whose police force was once again drenching our streets with the blood of innocent and unarmed civilians. While the ANC and other formations of the democratic movement had made an explicit commitment to seeking a peaceful resolution of the South African conflict, no such undertaking had as yet been made by the Pretoria regime, nor has it been made in unequivocal terms up to now.

The ANC is committed to a peaceful solution to the conflict but it will not have to compromise its principles and abandon those it leads to the mercy of the butchers of Pretoria. We believe that the people must continue to struggle for a democratic South Africa. Such a struggle must take place in an atmosphere of free political activity.

The Deputy-President of the ANC, Nelson Mandela, has met Pretoria's president and discussed the situation that led to the suspension of the April 11th talks. De Klerk on his part promised an urgent inquiry into the Sebokeng killings. But as has been stated before, there is an urgent need for a judicial commission of inquiry into all the various activities his police and army have been involved in.

A new date for the talks has been agreed upon and this is certainly welcomed by all patriots who

want to see a speedy end to the apartheid system and a democratic transformation taking place in our country.

We cannot be unaware of the storm that some countries friendly to the South African racist regime have tried to raise over the ANC's earlier suspension of the talks. An attempt was made to portray the ANC as not interested in peace in South Africa. No doubt by "peace" they meant going into the talks in the midst of increasing police violence. This has also emerged from some sections of the media.

What we have to reiterate is that the decision to go into the talks was not in any way precipitated by our inability to carry on and escalate the struggle. The talks are but an extension of the struggle on another front. As the statement of the National Executive Committee of March 30th states, we claim our right, not as a favour conceded by the regime at its discretion.

We continue to call on our people to go on with their all-round mass struggle. The foundation pillar of the apartheid system — the bantustan system — has not only cracked but is now falling apart and, its demise, we believe, is part of the conditions necessary for genuine negotiations about a future South Africa to take place.

For years the issue of the voting rights for all South Africans, in a united, non-racial and democratic state has been avoided by pretending that the Africans have their voting rights in the bantustans and the community councils. For the Coloureds and the Indians different chambers were created.

With the collapse of these structures clearly in sight, this issue can no longer be avoided. Any right thinking South African now realises that the task facing all of us is the creation of a new democratic society for all South Africans. The time for petty differences and bickering about leadership roles is long past. Those who still engage in these activities are doing so not because of an interest in the liberation of the South African people, but because of self-interest.

To speed up our movement forward we call upon all peace-loving South Africans to act together in this moment of crisis to put an end to the bloodshed and divisions so that we can collectively create a united, non-racial and democratic South Africa.

For us as an organisation, we need to conduct an effective and disciplined struggle and that requires a strong and co-ordinated organisation. Various ANC offices have been set up all over the country and what this means for all those who have supported the ANC throughout, is that the machinery has been put in motion — they must come in their millions to swell the ranks of the organisation that has unceasingly stood firm in the foreground of the liberation struggle.

It is through joining the ANC and participating in the struggle led by it that it can be built into an even more powerful mass people's movement. In this way we would be consolidating the unity of all anti-apartheid forces. As a people, we have this capability and must act **now**.



A funeral of some of the people killed at Sebokeng

A VANGUARD ROLE WELL PLAYED — NOW SACTU TO BE PHASED OUT

At an historic meeting on March 19, 1990, in Kafue, Zambia, South African Congress of Trade Unions and Congress of South African Trade Unions executives met to discuss the future status of SACTU and the trade union movement in South Africa.

The SACTU delegation was led by its General-Secretary and President, John Nkadimeng and Kay Moonsamy respectively. The COSATU delegation of 14 unions, comprising general-secretaries and Presidents, was led by the General-Secretary of COSATU, Jay Naidoo and Vice-Presidents, Chris Dlamini and J Gomomo.

At this time of significant political changes in South Africa there are great opportunities for the workers of our country to broaden the path of the liberation struggle. SACTU and COSATU met at the highest level to discuss tactics and strategies for the final assault on the apartheid regime, and far-reaching decisions were made aimed at further uniting the South African trade union movement.

It was noted that SACTU had played a vanguard role in the trade union movement of our country and that both SACTU and COSATU were committed to the principle of one country, one federation, one trade union in one industry. It was decided that SACTU had played a special role in consolidating the democratic trade union movement under the banner of COSATU, but did not see itself re-emerging in South Africa. As a result of changing conditions in South Africa it was therefore necessary for the trade union movement to reassess the way forward which would strengthen working class organisation.

SACTU and COSATU resolved at the meeting to jointly commit themselves to one union, one industry and one country, one federation. They both agreed to the phasing out of SACTU, with the objective of achieving the principle of one country, one federation, and that this would also provide an important opportunity to broaden trade union unity under COSATU.

A Facilitating Committee, comprised of five delegates each from COSATU and SACTU, will be established to oversee the phasing out of SACTU.

The Facilitating Committee's tasks will include expediting the return of SACTU cadres, facilitating their integration into COSATU and other unions as far as possible, making arrangements for a SACTU NEC visit to South Africa to report on its activities since it went underground to its workers, as well as the decisions of the joint meeting. The SACTU NEC will continue in office until the process of phasing out has been completed.

The Facilitating Committee is to provide a report to COSATU and SACTU within a month, and further reports will be periodically provided until the phasing out has been completed. It was agreed that a report of this meeting will also be given to the ANC, COSATU, SACTU and the United Democratic Front (UDF).



END ALL SUPPORT FOR THE MNR!

By Claris

De Klerk has declared himself in favour of a negotiated settlement in South Africa. If this is his true intention, one of our immediate expectations would be for his government to act quickly and decisively to end the reign of terror on innocent Mozambican civilians by the MNR. But, as in many other areas, the actual conduct of his government, or some sections of it, contradicts this declaration of intent.

This year, a new offensive has begun against the Mozambique National Resistance Movement (MNR) and its war of destabilisation in Mozambique. The offensive involves a new phase in the long-standing relationship between the Mozambican Government and the ANC, and a new level of grassroots co-operation between the peoples of Mozambique and those of South Africa.

In 1974, when Angola and Mozambique gained their independence through determined political and military struggle, it caused rejoicing among progressive people throughout the world. In South Africa, there were demonstrations in support of MPLA and Frelimo, for the revolution in the former Portuguese colonies was proof that freedom could be won, and it brought an inspirational message to our people.

In the 16 years since then, these states have had no respite from wars of destabilisation.

Mozambique has suffered attacks, first overtly by the military forces of Pretoria, and then by the surrogate forces of the MNR. According to a United Nations report of 1989, 900 000 people have died in this war. Hundreds of thousands have been severely disabled, many of them children; six factories have been set up in Mozambique to manufacture artificial limbs, and Mozambicans have been sent overseas for training in plastic surgery to enable them to rebuild mutilated faces.

The Secretary-General of the ANC led a delegation to Maputo in early January, for talks with President Joaquim Chissano of Mozambique. At the end of the visit, Comrade Nzo told a press conference that the ANC would try to ensure that the question of South African destabilisation of

the Frontline States, and particularly of Mozambique, was taken up seriously by the mass democratic movement inside South Africa.

On January 14, a week later, an appeal came from within Mozambique. Both the Johannesburg Sunday Star and the Mozambican paper, Domingo, printed an open letter to President de Klerk, calling on him to end all forms of South African support for the MNR. It was signed by a group of 74 Mozambican intellectuals.

The same group appealed to the Mass Democratic Movement in South Africa:

"The apartheid system that still oppresses you is the same that initiated the oppression against the Mozambican people ... The forces that direct and finance the slaughter in Mozambique are the same ones that today in South Africa are preparing to destabilise your own future.

We appeal to you to make your voices heard for peace in Mozambique ... As you proceed with your own just struggle, demand that the current government dismantle the whole apparatus that still nourishes the genocide of the Mozambican people."

There was no public response from F W de Klerk, but the MDM did respond. The Mozambique Solidarity Action Interim Committee (MOSAIC) was formed by affiliates of the UDF, with cultural organisations like the Congress of South African Writers.

In mid-February, after a scientific workshop in Maputo, there was another show of South African solidarity with Mozambique. A public statement came from a group of eight South



Children injured in an MNR attack

African plant scientists who had attended the workshop, and who included the Director of the National Botanic Institute of South Africa and the Vice-Chancellor of the University of Natal. They committed themselves to campaigning for an end to all support for "the MNR and other forces responsible for the destabilisation of Mozambique," and resolved to work towards "meaningful contact" between themselves and their Mozambican colleagues.

During the past year, the activities of the MNR grew more intense and frequent, its attitude more belligerent. When approached through mediators in 1989, it even refused to guarantee safe conduct to the Red Cross. Until the end of 1989, Afonso Dhlakama, its leader, was still rejecting any suggestion of direct talks with the Mozambican Government, and saying he was prepared to talk only with the Frelimo Party. Speaking at a rally on January 9, President Chissano said he interpreted this to mean that Dhlakama was seeking recognition of the MNR as a political party, rival to Frelimo. Then came the train attack of February 14 this year, which caused massive indignation.

The train, carrying migrant workers from Johannesburg to Maputo, was 14 kilometres into Mozambique from the border town of Ressano Garcia, when it was ambushed. The bandits let

the locomotive, three coal trucks and a goods truck pass by before detonating a remote-controlled mine under the passenger trucks. They then looted the train, shooting and bayoneting many of the survivors. (Two days later, 66 corpses were found at or near the scene of the ambush.) They rounded up other survivors, forced them to carry their loot to their base, and then left them to find their way back to the wrecked train. Some women were kidnapped and raped.

In South Africa, MOSAIC demanded an official enquiry. The Johannesburg Weekly Mail printed a letter from members of European and Canadian non-governmental organisations working in Mozambique. The letter said:

"This attack has horrified and outraged Mozambicans and all of us who live and work here ... When he visited Maputo in December, the South African State President, F W de Klerk, admitted that it was still possible that support for MNR activities from inside South Africa persisted. The government of Mr de Klerk appears to have done nothing to prevent these barbaric assaults on ordinary Mozambican civilians."

Speaking in Bloemfontein on February 25, Nelson Mandela added his voice to the protest, when he spoke of "the evil hand of apartheid forces" in Mozambique, and called on F W de Klerk to make assistance to the MNR a punishable offence.

Though it claims to be an alternative government, the MNR has shown no sign of setting up a government in any territory it has commanded. Instead, its activities in these areas are wholly negative and destructive. All reports tell of murder, mutilation, looting and forced labour, where civilians tend crops for the bandits, and where many die of torture and exhaustion.

In ten years, agricultural and industrial projects have been destroyed, some over and over again. Hospitals and clinics have been wiped out. Buses and trains have been ambushed (the atrocity of February was one of the most recent). The electricity supply of Maputo has been disrupted. So have the railways, all of which are vital to the economy of Mozambique and some of which are important to the economy of the SADCC

countries as well. According to the statement of the eight South African plant scientists, the MNR has destroyed "valuable agricultural research projects," and caused "environmental degradation" which will have a "negative impact on the entire South African region."

bique, to force it to capitulate, or to force it into some form of power-sharing.

If we want to know what interests are being served by this destruction, we don't have to look far. South Africa needs and wants Mozambique as an "exploitable hinterland." The phrase was



Mopeia Hospital attacked by bandits

The effect of all this on a young country could be catastrophic. Mozambique has been very nearly destroyed, but over the years friendly countries have come forward with loans and aid.

Much of this assistance simply goes to repair destruction caused by the MNR. To the horrifying waste of human life is added the waste of resources.

Some governments have donated non-lethal military equipment. Perhaps the 'non-lethal' stipulation is regrettable; non-lethal military equipment is certainly not adequate to protect Mozambican troops against the murderous attacks of the MNR. Nevertheless, apart from its economic value, this aid represents alliances and friendships that will be valuable in putting pressure on the forces supporting the destabilisation of Mozambique.

It is clear that the brutalities of the MNR are a means to an end. They are intended to intimidate, and to destroy the economy of the country. Through threats and sheer physical coercion, it hopes to remove the Government of Mozam-

used by President Tambo some seven years ago when he addressed the Frelimo Congress; and the truth of his statement has grown clearer with time. As the people of South Africa rise to reject apartheid exploitation, the investors of South Africa need to guard the safety of their wealth by reaching out to countries across the border, where natural resources are plentiful and not yet exploited to the full, and where labour might be kept cheap. These investors are already showing readiness to invest in Mozambique, and the economic squeeze on that country is meant to keep it trapped in the state of colonial underdevelopment and dependence it inherited in 1974.

These forces will, naturally, hold Mozambique up as an example of the failure of socialist policies. In January, Walter Sisulu replied sharply to John Berks, a radio interviewer who once worked on a colonialist radio station in Mozambique under Portuguese rule, and who tried to get him to say that "communist ideology" had brought Mozambique to its knees. Walter Sisulu said:

"On the contrary, it's not an ideology. It was the conspiracy of racist regimes (Rhodesia and South Africa) in southern Africa that brought down or attempted to bring down Frelimo. It's not a question of ideology."

Such secrecy surrounds the MNR that it is difficult to determine exactly how many of those who commit the attacks and atrocities are under Dhlakama's control and how many are independent thugs and criminals taking advantage of the situation. Nor is it easy to be sure exactly where all the arms and the money and the training come from — some Mozambicans are reported to believe that the main control over the MNR lies in Washington, and there is evidence that assistance comes from right-wing organisations and individuals in Portugal. MOSAIC has suggested that support might be channelled through a clandestine military unit in South Africa, similar to the murder squad unit known as the Civil Co-operation Bureau.

Whatever the truth about all this, one thing is certain: MNR attacks are mounted from South African soil. A lieutenant of the Mozambican border guards told the Press that the guards had detected signs of cross-border infiltration into Mozambique just before the February train massacre. In the middle of March, the Weekly Mail printed detailed evidence it had gathered about MNR bases on the South African side of the border. The MNR raids are the responsibility of the Pretoria regime, and the regime must answer for them.

The Government of Mozambique has submitted a new constitution for debate throughout the country. It is planning elections for 1991. At the rally of January 9, President Chissano said that his government was ready to:

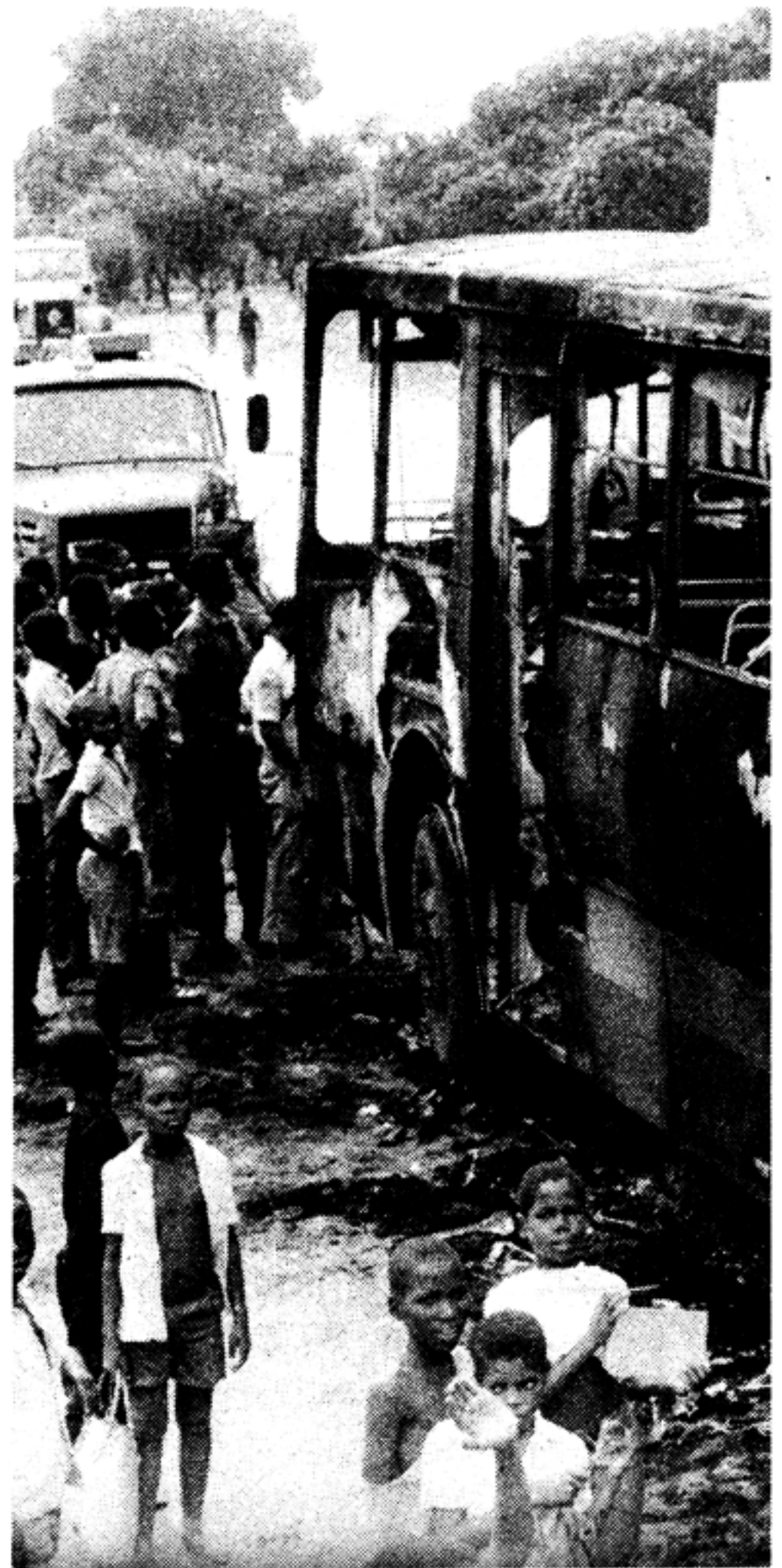
"... explore all means to achieve a peaceful solution to the problem of the war, on the basis of respect for the sovereignty, independence and territorial integrity of our country, and respect for the established order, the constitution and the institutions of our state."

He added:

"Sovereignty and democracy cannot be the

subject of deals and share-outs between the Frelimo Party and the so-called Renamo ... It is the people, and only the people, who will determine the form and content of government."

There is a need now for intensified pressure on President de Klerk. A strong, concerted campaign is necessary, for though the forces backing the MNR are shadowy it is evident that they are powerful. The Pretoria regime must act at once to put an end to the threats of the MNR, the murder of Mozambicans and the destruction of what Mozambicans are working hard to build.



Passenger bus burnt out by MNR

INTERVIEW WITH CHIEF MAPHUMULO

Chief Mhlabunzima Maphumulo is a traditional leader from an area near Pietermaritzburg, where the people have suffered serious attacks from the members and followers of Inkatha. He is president of CONTRALESA, the Congress of Traditional Leaders of South Africa, which he joined a year ago. On March 30, CONTRALESA presented an interim report on the situation in Natal to the International Commission of Jurists in Geneva. Chief Maphumulo spoke to Sechaba in April.

What is CONTRALESA?

Well, CONTRALESA is an organisation of progressive traditional leaders in South Africa. Basically, in South Africa, the institution of chiefs was regarded as an extension of the regime. So most people regarded chiefs as surrogates of the government, but not every chief was like that.

A group of progressive chiefs, whose ideas were opposed to the policy of apartheid, decided in 1987 to form CONTRALESA. This was to clearly demonstrate their objection to apartheid.

Personally, what caused you to become part of CONTRALESA?

One has to move with the people. If one is leading people who are progressive I think it is right and proper to be also progressive as a leader. Because my people are in the MDM, I have to be with them.

What does CONTRALESA do exactly? What are its aims?

Well, CONTRALESA is aiming at the mobilisa-

tion of the rural communities, so that the rural masses are in fact politicised, they know exactly what is happening, they work hand in hand with the mass democratic movement in South Africa.

You have just made a trip abroad. What was your mission on this trip?

Our mission was to present an interim report of the independent commission of enquiry into the Natal violence, which was set up by the Congress of Traditional Leaders of South Africa after the former state president of South Africa, P W Botha, refused to appoint a judicial commission of enquiry that was going to look into the causes of, and possible solutions to, the violence in Natal.

What would you say are the main findings in the interim report of this commission?

Briefly, it has been established that the security forces and the Inkatha movement of Chief Buthelezi are working as one force. They are the perpetrators of this ongoing, so-called black on black violence.

The Inkatha movement consists of vigilantes who are the perpetrators of this violence, and some of them are known killers who have not been brought to court. In fact, the police force does not want to take Inkatha into courts. Even if they are taken to court you'll find that a man gets, say, R10 000 bail. That suggests the seriousness of the crime committed. But thereafter that person is acquitted. That is the situation in Natal.

If that is the case, do you think there is any risk to those who testified to the commission? Actual-

ly, to phrase the question differently, what was the response of the people to the commission? Were there many people who came forward, and did they, by doing so, risk anything?

In fact, the response was very good from all sections, except of course Chief Buthelezi and his Inkatha organisation. He is the only leader in South Africa who has objected to this independent commission of enquiry and who has come forward and disassociated himself and his organisation from any participation in the commission. But we were not surprised, because when I first called on the then State President, P W Botha, to appoint a judicial commission of enquiry, again Chief Buthelezi opposed that call, so we were expecting this opposition from him. But, other than Chief Buthelezi and his Inkatha movement, all the other organisations — white, Indian, Coloured, church, political, social organisations, in fact all the organisations in South Africa — were in favour of this commission. And people came forward and gave evidence in their numbers, and also various organisations that are monitoring this violence. I am talking now about white people that came forward and gave evidence.

You have been a victim of the violence also — your house was destroyed by Inkatha supporters. What effect has this had on your own life and that of your family?

Well, I knew that because of this independent commission of enquiry which has divulged the truth that I was going to be a victim, and my family members are now scattered all over the place. My own people are now refugees in the city of Pietermaritzburg. This was done by Chief Buthelezi and his Inkatha deliberately to intimidate or to stop me from participating in CONTRALESA activities. But I am not going to surrender. I think victory is on the people's side.

You have just touched on the issue of refugees. Everybody thinks of them as people from their own country going to another country, but South Africa has now got a large number of what are

called internal refugees. Can you say just a little more about them, what has been done and what happens to them, especially children, in this situation?



Nigel Tanburn (Morning Star)

Chief Mhlabunzima Maphumulo

In fact, it is a difficult situation. In the case of the Maphumulo people, they were attacked by a neighbouring chief, Mhlawuli, who is an impi warlord of Inkatha, and he was assisted by the Riot Police Unit, the special constables, who, in fact, were leading the attack. Because my people are not armed they cannot withstand the bullets of the Riot Unit police. This is why they decided to leave the place and were accommodated by the City Council of Pietermaritzburg as so-called refugees. Tents have been put up by the City Council, COSATU, the Pietermaritzburg Council of Churches and various organisations that are sympathetic to the cause of the black people.

You said our people are not armed. Can you tell us something about the arms the Inkatha people have, and where they come from?



Inkatha vigilantes on the warpath

Inkatha is armed with R1 rifles, and R1 rifles are used by the KwaZulu police. They come from Ulundi. There are also other weapons, like shotguns. The shotguns are supplied by the Riot Unit, that is, the South African Police.

What do you think of De Klerk's introduction of more troops into Natal, and would an increase in the police force help?

We are not impressed about more police. The Riot Police Unit was introduced in 1986 and ever since then there has been trouble in Natal. Before the RPU came into Natal there was not much trouble. There was fighting but people were not using these sophisticated weapons. Today there is the use of modern weapons which are supplied by the riot police.

The majority of people in Natal prefer the troops to the police. They are not as bad as the police. When they come into an area they attempt to restore law and order.

What are your suggestions on solutions to the violence?

Firstly, it is the total elimination of apartheid and its structures so that no man shall have an army or a police force to command for political advantage, like Chief Buthelezi who is Minister of Police in the KwaZulu government. Secondly, the restoration of the rule of law to allow the legal process to take its course. For example, the police and the attorney-general must process those affidavits that were laid before them long ago. The culprits have not been charged. The culprits have not been prosecuted. They are still walking tall.

Yesterday the State President of South Africa met with the leader of the ANC, Nelson Mandela, in Cape Town. We in CONTRALESA welcome the decision of F W de Klerk to appoint a judicial commission of enquiry into the deaths of people in Sebokeng. We, however, remain perplexed why such a commission has not been appointed in Natal, where thousands of people have been killed and scores are being killed on a daily basis.

Thanks, Chief Maphumulo.

A LEGAL ANALYSIS OF DE KLERK'S ADDRESS TO THE RACIST PARLIAMENT IN FEBRUARY

By Penuell Maduna

Developments since the unbanning of the ANC have shown that a continuing analysis of what has been regarded as a 'watershed' speech by Pretoria's President de Klerk is necessary. This is made so by the fact that what was expected to follow — a speedy removal of all obstacles to free political activity — did not. The author of this article looks at the De Klerk speech from the legal point of view and analyses its implications for free political activity.

Pretoria President, F W de Klerk, at the ceremony to mark the opening of the ninth white parliament in South Africa on the 2nd February, 1990, announced the unbanning of the ANC and the SACP, amongst other organisations. He further declared that the unconditional lifting of the ban on these organisations places everybody in a position to pursue politics freely. Of particular importance is the fact that, according to the Government Gazette of the 3rd February, the lifting of the ban on the ANC includes Umkhonto We Sizwe.

The unbanning of the ANC and the SACP is a victory for the struggling masses of our people who have campaigned incessantly for the decriminalisation of political activity; it will go a long way towards creating a climate conducive to a negotiated settlement in South Africa. Through struggle we, and the masses of our people, have won more political space for ourselves.

De Klerk was of course responding to a situation in which he no longer had control; the ANC and the SACP flags were being raised openly by our people, as though these two organisations were not illegal, long before the events of February 2nd. Like most of the reforms Pretoria has had to effect in the past, this major reform was just a matter of formally legalising what had already taken place. The regime is trapped in a crisis characterised by an increasingly assertive black majority which is defying all the laws of

apartheid, and an increasingly uncertain white minority regime, which has lost the ability to enforce a system which is unworkable and which has won the regime tremendous opposition internationally. In a sense this reform was not totally unexpected.

Political activity

It is to be noted, however, that while De Klerk claims that by means of this reform he has put all organisations on an equal footing, the fact of the matter is that he has not decriminalised political activity at all; he has merely unbanned erstwhile banned organisations and lifted restrictions on those restricted under the state of emergency.

The laws and emergency regulations under which they were banned and restricted are still intact. Under **Section 4(1) of the Internal Security Act, 74 of 1982**, for instance, all these organisations can technically still be banned again, if the Minister of Law and Order is "satisfied" that they engage in activities which endanger the security of the apartheid state, or the maintenance of law and order, or that they propagate the principles or promote the aims of communism.

On page 11 of the address De Klerk confirms this and says that the unbanning of these

organisations "should not be interpreted as a deviation from the Government's principles, among other things, against their economic policy and aspects of their constitutional policy."

Communism under the laws of the regime is still a crime which can be committed by anyone who either advocates an "object" of communism directly or who does so indirectly by performing an act which is likely to further such an "object." This is an explicitly ideological offence criminalising the pursuit or support of a defined set of political beliefs.

If one recalls that these organisations were banned, not for violence, as the regime seems to suggest, but for their policies and perspectives of the future of our country, which they have not abandoned, it is clear that they will continue living under the shadow of the sword of Damocles, despite the lifting of the ban on them. (The ANC was banned in 1960 and embarked on armed struggle in 1961.)

In a nutshell, the ruling Nationalist Party still arrogates to itself the right to ban organisations (and individuals), not so much for what they do as for what the Minister of Law and Order says they do. At the same time there is no law that threatens to criminalise membership and objectives of the Nationalist Party itself.

Under laws such as the **Gathering and Demonstrations Act, No 52 of 1973**; the **Demonstrations In or Near Court Buildings Prohibition Act, No 71 of 1982**; and the **Internal Security Act**, government officials have extensive, and in certain instances, absolute control over meetings, gatherings, processions and other forms of assembly. These legislative measures are used by the ruling Nationalist Party, itself a party to the conflict, to deny our people the freedom of assembly and give it the right to act as arbiter in its own cause. Instead of scrapping these and other such laws, the apartheid regime now requires protestors to acquire official permission for protest; quite apart from the provocation this entails, the permission is to be sought from unsympathetic and ill-informed magistrates who are advised naturally by securocrats. If the protests and marches are held without such permission they are illegal and the security organs of the state are unleashed on those involved. The

ANC and the SACP will be affected by these laws if they should remain in the statute book.

Political prisoners

While De Klerk has undertaken to release political prisoners, it is clear that he has his own idea of what political prisoners are; he certainly does not regard as political prisoners those who, in the context of the struggle against apartheid, committed certain "crimes."

His gaols are teeming with soldiers of Umkhonto We Sizwe who obviously will not benefit from this "reform." Those who will be released are those whose only offence was mere membership of these organisations, and such people are few and far between. In short, very few political prisoners may be released.

What is further baffling in this regard is the possibility for almost the entire leadership and cadre of the ANC and SACP to be persecuted, prosecuted and gaoled for their past conduct. De Klerk says:

"The lifting of the prohibition on the said organisations does not signify in the least the approval or condonation of terrorism or crimes of violence committed under their banner ..."

Clearly, it is only those members of these organisations who have never had anything to do with the activities of Umkhonto We Sizwe, mostly students and pupils at the Solomon Mahlangu Freedom College in Morogoro, who may survive this threat. Hot on the heels of the De Klerk address, Dr Stoffel van der Merwe said that those exiles who had been involved in actually committing a crime could be liable for prosecution if they returned to South Africa. Major-General Herman Stadler, the chief of the police division of public relations, added that in terms of what had been said by De Klerk, persons such as Joe Slovo, Joe Modise, Chris Hani and Ronnie Kasrils, all of whom were members of the National Executive Committee of the ANC, would risk prosecution should they return to South Africa (*Citizen*, 6.2.90).

The safe and unconditional return of all

exiles, obviously, is not guaranteed by the lifting of the ban on our people's organisations. The long-standing amnesty that the apartheid regime may use is inappropriate as it covers individuals only and not organisational formations. Besides, under an amnesty the regime may want to reserve the right to screen returnees and subject them to gross humiliation and insult in the process.

It is noteworthy that this threat exists under a regime with whose blessings hit squads were formed and heinous crimes committed by both the military and police forces. This official posture may not significantly contribute towards the necessary climate for negotiations; it can only serve to postpone the negotiation process and unnecessarily prolong the suffering and anguish of all South Africans.

Media restrictions

While De Klerk says that, "The media emergency regulations ... are abolished in their entirety," he in the same breath says that, "The security emergency regulations will be amended to still make provision for effective control over visual material pertaining to scenes of unrest." In short, South Africa is not about to enjoy freedom of the Press. In the address, De Klerk says nothing about the more than one hundred laws that have restricted freedom of the Press, like other civil rights, to the point of extinction. The South African media will still have to walk in the labyrinthine minefield of security crimes, despite these reforms.

The power to ban newspapers is retained and may be exercised against newspapers the recently unbanned organisations may set up. On the pretext that material they produce is prejudicial to the safety of the state, to general welfare or to peace and good order, they may be banned under the **Publications Act, 42 of 1974**, which Professor Anthony Mathews calls the chief engine of censorship in South Africa. A newspaper may also be banned under **Section 5(b) of the Internal Security Act**, if it professes to be a publication for propagating the principles or promoting the spread of communism. This means that the now unbanned South African

Communist Party, for instance, will not be allowed to print and publish the *African Communist* and *Umsebenzi* inside South Africa.

Under **Section 15 of the Internal Security Act**, the Minister of Law and Order may require the now unbanned organisation to deposit up to R40 000 with the Minister of Home Affairs as a guarantee of good behaviour, should they wish to establish their own newspapers. Unless the Minister of Law and Order directs otherwise, such deposit will be forfeited to the state if the newspapers are subsequently banned (by the apartheid regime). Possessing, printing or publishing that which the Minister of Law and Order has banned is a criminal offence under the **Internal Security Act**.

It still remains illegal to print or publish a newspaper in South Africa unless such newspaper or publication has been registered under the **Newspapers and Imprints Registration Act, 63 of 1971**. This, indeed, is a real "catch-22" situation where you cannot print or publish without registration, where such registration may be conditional upon payment of a deposit of up to R40 000 as stated above, and where, even after you have complied with all these requirements, you still run the risk of having your newspaper or publication banned, and forfeiting your deposit, if what you print or publish is illegal or "undesirable" under various apartheid laws.

Under the **Defence Act, 44 of 1957**, the apartheid State President is allowed to, by proclamation in the Gazette, impose a general censorship, even in times of peace, for the prevention or suppression of terrorism or "internal disorder."

Restriction of individuals

While De Klerk says that the restrictions imposed on certain individuals under the emergency regulations are being lifted and the regulations under which such restrictions were imposed are being abolished, the apartheid state still retains the power to ban, detain and restrict individuals under the **Internal Security Act**, under which many of the leaders of these organisations were banned or listed and could therefore not be

quoted. Although no one is banned or listed at the moment, the law allowing for this has not been abolished and can still be used should the regime deem it necessary.

De Klerk further says that the period of detention under the Security Emergency Regulations will be limited to six months. He is, however, silent on the issue of indefinite detention under **Sections 28 and 29 of the Internal Security Act.**

Section 28, an essential part of permanent security laws which may be used even in times of peace without any need for the declaration of a state of emergency, allows the Minister of Law and Order to issue a notice for the detention of any individual for such a period as he may specify therein. There is no outer limit to the period the Minister may fix for the detention of an individual and there is no legal protection against renewals of such detention at the pleasure of the Minister.

Section 29 allows commissioned police officers of, or above, the rank of lieutenant-colonel to order the detention and interrogation of people suspected of having committed, or of intending to commit, security crimes or of withholding from the police any information relating to the commission or intended commission of such crimes. Those detained under this section are held indefinitely.

While it may easily be argued that these matters should be addressed by the legislature (from which the 32-million majority is constitutionally excluded), there is no indication in De Klerk's address to parliament that that will be done during this session of the tricameral parliament. It is through his Minister for Constitutional Affairs that we have heard that the Nationalist Party will present a new constitution to its electorate in the 1994 elections.

Control of funds

The laws controlling fund-raising and receiving of funds from outside South Africa are still intact. The ANC can, for instance, be declared an affected organisation under **Section 2(1) of the Affected Organisations Act of 1974**, and thereby prohibited from receiving funds from abroad. It

should be noted the organisation affected by the provisions of this Act need not necessarily be banned.

Under the **Fund-Raising Act, 107 of 1978**, the recently unbanned organisations cannot raise funds or collect contributions from the public unless authorised to do so in terms of this Act and unless the collection takes place in accordance with the provisions of this Act. In addition, this Act extends the prohibition to funds coming from outside South Africa, which are deemed to have been collected in South Africa.

As though this was not enough, the apartheid regime passed the **Disclosure of Foreign Funding Act of 1989**. This Act, the ostensible objective of which is to regulate the disclosure of receipt of money from outside South Africa by or for certain organisations, allows for the declaration of organisations as "reporting organisations." Once an organisation has been declared a "reporting organisation" under the Act, if it or any person receives funds on its behalf, they have to notify the registrar of such receipt and the funds received must be deposited in a separate bank account. The registrar, who may require any information deemed necessary or expedient, must be given extensive information about the funds, their origin and purpose. The funds affected have to be used for the purpose for which they were acquired. The Act empowers the registrar to enter any premises without notice and seize any document he deems necessary under this Act; it further allows him/her to 'freeze' funds after initiating a prosecution against an offending "reporting organisation." Failure to comply with the provisions of the Act is a criminal offence and the penalty is a fine of up to R40 000 and/or a sentence of imprisonment up to ten years.

The state of emergency

The state of emergency has not been lifted in its entirety, and even though De Klerk may still lift it as he says he wishes to, he will remain armed with a whole range of laws that can be used for the same purpose.

As illustrated above, the security legislation

of the Pretoria regime has imposed a virtually permanent state of emergency on our country, under which individuals may be banned or detained by official decree or prosecuted for committing vague security crimes, and under which there is provision for extensive censorship, arbitrary control of meetings and gatherings and the proscription of organisations. In such circumstances the regime has used the only true emergency piece of legislation, the **Public Safety Act, 3 of 1953**, on rare occasions only, since it was enacted.

One such Act is the **Defence Act** (already referred to above), which confers extensive powers which may be used and exercised without a declaration of a state of emergency. Under this Act, for instance, the South African Defence Force (SADF) or any portion or member thereof may be mobilised to combat internal disorders, and members of the SADF used for this purpose have all the powers, duties and immunities enjoyed by or imposed upon, the South African Police (SAP) under the Police Act. These include the power to impose rigorous censorship.

Under the **Public Safety Amendment Act, 47 of 1986**, the Minister of Law and Order is authorised to declare areas to be unrest areas and to apply in these areas such regulations as he may deem necessary for a period of three months which is subject to renewal with the consent of the State President. This helps the regime to obviate the declaration of a state of emergency which has far-reaching consequences for Pretoria.

Conclusion

This short and cursory comment on the De Klerk address shows that the De Klerk regime of apartheid still has quite a long way to go before a climate conducive to negotiations can be said to exist. **The significance of his address lies more in what it does not say than in what it says.**

While we have won more political space to operate within the borders of our country, the apartheid state machinery of repression is still intact and De Klerk threatens to use it effectively to maintain his version of law and order.

Political trials still continue and troops have not yet been withdrawn from the townships where they wreak havoc and intimidate people on the pretext of quelling the fires of revolution.

The reality of the apartheid state still stares us in the face. The bantustans, the separate race-based local government structures, the Population Registration Act, the Group Areas Act, own schools, and many other obnoxious and nefarious aspects and consequences of the system, are still living with us. There is no indication in De Klerk's address to parliament that we are about to see movement on any of these issues either.

Clearly, this is not the time for us simply to "walk through the open door" and take our place at the negotiating table set by Pretoria. We have all cause to suspect that we may find ourselves walking into a trap reminiscent of the "democratisation process" of the seventies in Latin America (Argentina, Brazil, Chile) where the military dictatorships and juntas ostensibly yielded to the democratic demands of the majority and yet outstanding leaders and cadres were immersed in a world of massive repression ruled by assassination squads and vigilantes.

We are left with no alternative but to intensify our offensive all round, in the circumstances.





Chief Israel Mngizani (centre) meets ANC leaders (from left) Nelson Mandela, Walter Sisulu, Archie Gumede and Harry Gwala in Slangepruit, one of the areas worst affected by the fighting in Natal.

ANC WELCOMES PRINCIPLED OPPOSITION TO APARTHEID

A meeting of the National Executive Committee of the ANC was held in Lusaka, Zambia on April 9, 1990. It was chaired by the Deputy President, Comrade Nelson Mandela.

It discussed the April 5 meeting between delegations of the ANC and the South African regime, led by Comrade Nelson Mandela and Mr F.W. de Klerk respectively. It welcomed the assurances given by Mr de Klerk and his colleagues to address as a matter of urgency the issues of state violence against peaceful demonstrations and renewed detention of members of the ANC and the mass democratic movement.

It saluted the various 'homeland' leaders as well as those of the Labour Party for their principled decision to join the ANC in its opposition to and struggle against police violence which resulted in the Sebokeng massacre, among others. The meeting stressed the urgent need for all anti-apartheid forces, including the 'homeland' and bantustan leaders, traditional leaders and others serving within the separate development structures, to unite in struggle against the apartheid system.

It reaffirmed the importance of the meeting between the ANC and the South African regime now rescheduled to take place on the 2nd, 3rd and 4th of May, 1990. To achieve speedy movement towards the abolition of apartheid, it is vital that

this meeting achieves the necessary results in terms of removing the obstacles that continue to stand in the way of negotiations.

The meeting expressed serious concern that the South African regime has, as yet, not fulfilled the undertakings it has repeatedly made to the ANC to introduce measures which would enable various members of the ANC, and others in exile, to return to South Africa legally. It urged the South African regime to act on this matter without further delay and thus remove what has come to constitute a new obstacle to the achievement of a political settlement.

The meeting reaffirmed the importance of the measures already taken by the Deputy President, Comrade Nelson Mandela, and other leaders of the ANC, to end the tragic killings in Natal and other parts of the country. It insisted that the South African regime play its role in this process, especially by ensuring that the police, who have led, armed and protected the murderous vigilante groups, end their campaign of terror against the democratic movement and the people of Natal.

It further pointed out that it is important that, in the search for peace, the Pretoria regime should consult all the people and leaders in Natal.

It reiterated the commitment of the ANC to do everything in its power to end the fratricidal strife in Natal. It expressed its profound regret that some leaders in this area have embarked on a virulent campaign of propaganda against the

ANC, the mass democratic movement, the church and others who are committed to peace, instead of seriously engaging in the common search for peace.

The NEC reiterates its call to all leaders, personalities, organisations, churches and other religious bodies in Natal to take urgent and concrete measures immediately to end this mindless and criminal violence.

The meeting reviewed the progress achieved in re-establishing the legal structures of the ANC within the country. It agreed that, in this regard, faster progress should be achieved to meet the demand of the countless members of our people who seek to join the ANC. It also took additional decisions to step up the process of preparing for the ANC National Conference which will be held on December 16, 1990.

It reviewed the preparations that have started for the return to South Africa of ANC members in exile. It reiterates the call of the ANC to the international community to make resources available to enable this return to take place and to facilitate the resettlement of the returnees.

The meeting condemned the mischievous campaign by the South African and international press which seeks to divide the ANC and belittle the key role it is playing in the struggle against apartheid, relying on outright fabrications about the normal democratic processes of discussion and debate which take place within the ANC.

The meeting approved a series of international visits by the Deputy President, Comrade Nelson Mandela, for the period up to the beginning of July which should, subject to agreement with the governments concerned, enable him to visit Angola, Nigeria, Algeria, Egypt, the EEC, France, the FRG, the USSR, the USA and Canada, among others.

The meeting reaffirmed the urgent need for the international community to remain firm in its commitment to isolate apartheid South Africa. So far, neither profound nor irreversible change has taken place in South Africa. Any relaxation of pressure against the apartheid regime can only complicate and hinder the process of ending the system of white minority domination through negotiations.

The meeting decided that the following comrades will constitute the ANC delegation to the meeting with the South African regime scheduled for the beginning of May:

Nelson Mandela, Walter Sisulu, Alfred Nzo, Joe Slovo, Archie Gumede, Cheryl Carolus, Ruth Mompati, Joe Modise, Ahmed Kathrada, Beyers Naude and Thabo Mbeki.

The next full session of the National Executive Committee of the ANC will take place at the beginning of May.

Lusaka, Zambia, April 10 1990



Chief Israel Mngizani (centre) meets ANC leaders (from left) Nelson Mandela, Walter Sisulu, Archie Gumede and Harry Gwala in Slangepruit, one of the areas worst affected by the fighting in Natal.

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Lusaka, Zambia, April 10 1990

INTERNATIONAL

A TRUE FRIEND

WHOSE NAME IS SWEDEN

During the five-country tour of the ANC in March led by the Deputy President, Nelson Mandela, the last stop was Sweden. Here a historical meeting took place between Nelson Mandela and Oliver Tambo — old partners in the political struggle and in a law firm in Johannesburg. There were other important meetings with the Swedish people. For the first time in Sweden, Nelson Mandela, a seasoned politician and leader of world renown addressed a parliament, something that he would have been elected to do more than forty years ago had he not been born a black South African. Below, *Sechaba* publishes his speech to the Swedish Parliament on March 13, 1990.

It is a matter of the greatest joy to me that I have, at last, arrived in Sweden. It will come as no surprise to you that for me, this is the first time ever that I have occasion to utter even one word in any parliament, anywhere.

This is therefore an historic day for us. It foretells of the moment when black men and women will sit side by side with white men and women in a South African parliament, together adopting laws as equals and as elected representatives of all the people of our country.

But it is also a joyful day which shall remain in our memories for as long as we live. It is joyful because we know that here we are among steadfast friends who have stood with us in the common struggle, for decades.

We know that as elected representatives, all of you, regardless of the parties to which you belong, represent the common anti-apartheid and democratic positions of the overwhelming majority of the Swedish people.

These national Swedish sentiments have led to the very happy situation in which, between us, we have established a system of relations from people to people. This is a relationship that transcends the important structured official relations which define our extensive system of co-operation. It provides the warmth of human

friendship among peoples that cements these official ties.

We have a vision of South Africa as a united, democratic, non-sexist and non-racial country. We see ourselves as not aligned to any military blocs. At the same time, we shall be firmly aligned with regard to the fundamental and universal issues of human rights for all people, the right and possibility of every individual to full and unfettered development, the right of every country to determine its future, protection of the environment and peace in a world that should be free of regional conflicts and the threat of a nuclear war.

We believe that the people of this country share this glorious vision as well. It is this which has nullified the great distances that separate our respective countries and peoples, with the one in Northern Europe and the other in Southern Africa. We have become political neighbours who willingly share whatever little bread and salt we may have. The strength this gives us is impossible to measure.

It is between us common cause that we have not yet ended the apartheid crime against humanity. Consequently, the conditions do not yet exist for our people to transform their country into a non-racial democracy. We, together,

have therefore some important tasks to accomplish.

We have to continue the struggle to liberate ourselves. This we are doing and shall pursue, without regard to the cost to ourselves as individuals. We must, through struggle, end the system of apartheid as soon as possible. It remains our wish that we could, without delay, produce a just solution arrived at through a negotiated political settlement.

Whether this happens and how soon, will depend on what the Pretoria regime does. As yet, it has not even completed the process of creating a climate conducive to negotiations. As you know, we shall be meeting President F.W. de Klerk and his colleagues to address this issue, as soon as the necessary arrangements have been completed. We are convinced that the Harare and United Nations Declarations on South Africa provide the basis for the speedy liquidation of the apartheid system.

We need your continued support in the struggle to abolish the system of white minority domination and exploitation which has brought such untold misery to both our own people and those of Southern Africa as a whole. We would like to take this opportunity to salute this outstanding democratic institution, the Swedish Parliament, which has stood in the front ranks of the international forces that have fought against the apartheid system.

From here has issued legislation which has made an important contribution to the process of securing the international isolation of apartheid South Africa. For many years you have approved budgets which have enabled this country to extend invaluable humanitarian assistance to the ANC, the Democratic Movement and the suffering people of our country. From here you have provided moral and political leadership which has inspired many others throughout the world and sustained us in those dark days in prison when it was impossible even to guess when the terrible night of racial tyranny would give way to a new dawn.

We thank you for all this with all our hearts and without reservation. But the fact of the continued existence of the apartheid system requires that we ask you to persist in the path on which

you have embarked. To help us end apartheid, you must continue to provide moral and political leadership. It is precisely your unwavering commitment to these positions that guarantees a speedy end to the apartheid system.

The road we still have to traverse will not be long. It may not be smooth and easy. But clearly the racist tyranny is on its way out. White South Africa has elected its last racial parliament and its last apartheid president. Our deepest desire is that we walk the last mile together. And having done that, we shall, as one, look at the new vistas that will open up and see how we should exploit our established friendship to extend and deepen mutually beneficial co-operation between our peoples.

New challenges are upon all peoples throughout the world. Old problems demand urgent solutions. New problems have to be addressed without delay. The times demand greater and not less co-operation among the nations to find solutions to issues that might be national in their specific expression but universal in their essence. It should surely be possible that we who have joined hands to bring to a close the old detestable world of white racial oppression, should combine to contribute whatever little we can to answer to those challenges.

In a week's time, Namibia will become an independent state. We are greatly moved by the fact of the enormous contribution you made to the achievement of this victory, among other things, through your support for SWAPO. We look forward to meeting in Windhoek, if not all, at least some of you.

This is a victory that is close to our hearts. We rejoice in the joy of the Namibian people. We have to contribute to the fullness of this historic success by making certain that we end apartheid in our own country, create the conditions for peace to rule supreme throughout our region and enable the peoples of Southern Africa as a whole to rebuild their countries as when that day comes, it will be with especial warmth that the millions of our people will receive the Swedish participants at our victory celebrations. We thank you and thank the millions you represent for making it possible for us to say unashamedly that — we have a true friend whose name is **SWEDEN**.

INTERVIEW WITH ANDREW MLANGENI

Mass protests are continuing in South Africa despite the unbanning of the ANC and the release of its leaders. De Klerk thinks that because of these protests he cannot lift the state of emergency. Do you think that protests should continue as a form of pressure on the regime to lift the state of emergency, or that they should be stopped so that De Klerk can lift the state of emergency, as he says?

I am of the opinion that mass protests should continue in South Africa. We are convinced that unless pressure in all its forms is put on the government, it will not make any moves. The moves it has recently adopted of deciding to speak to the ANC are as a result of pressures that it is feeling. Pressure both internally and externally. That is why, among other things, we have asked the international community to put pressure on the South African regime. In the context of what is taking place today, mass protests are essential in order to force the government to move faster towards the so-called reforms.

The second question is concerned with the rebuilding of the ANC inside the country. Is the ANC encountering difficulties in rebuilding its structures inside the country?

The ANC has just been unbanned after 30 years of illegality. Now that the ban on our organisation and other organisations has been lifted, a lot of work has to be done. We have to mobilise the people, we have to recruit them into the organisation, we have to establish offices, and those offices have to be manned by experienced people. These are all issues we are personally attending to. We have not as yet started with some of these things, such as recruiting members, but I can tell you that the enthusiasm from the people in the country, especially the oppressed people, is so great that every day we are being overwhelmed by requests for membership. So you can see that we will not have much difficulty as soon as our recruitment drive begins. At the moment, we are

printing millions — literally millions — of membership cards, and as soon as we are ready we will begin. We may find some problems here and there, probably about discipline, etc, but we think that as soon as we start issuing these cards, the question of indiscipline will cease to exist.

What about the mass democratic movement, the UDF and so on? Should they continue functioning as they are functioning now?

A decision has been taken by the National Executive Committee of the ANC that we should encourage organisations such as the UDF to continue to exist. First of all, we in the ANC have no authority at all to dissolve any organisation. We do not have that authority. These organisations are independent, and if they decide on their own to disband, to dissolve, it is up to them. So that the decision of the NEC, therefore, is that these organisations should continue to function, but we are going to recruit members from these organisations, to join us. In the long term, obviously, we foresee a position whereby they will cease to exist. But, as I say, comrade, we have no authority to dissolve them.

I'll tell you of an example. Some organisations, such as the TIC, even the UDF at the moment, are discussing among themselves whether they should continue to exist or not. It's their decision. If they decide to dissolve, it's up to them. The Transvaal Indian Congress is also faced with a similar problem. A large number — the majority in fact — of the members are saying, now that the ANC exists legally, is there any necessity for these other organisations to exist? These are topical questions which are being discussed at home.

From De Klerk's briefing interviews with the Press in South Africa, it seems that he's sticking to his concept of group rights, and a rejection of one person one vote. How is the ANC approaching this issue, which seems fundamental to the solution of the apartheid problem?

De Klerk has made it clear that they as a party are for the concept of protecting group rights. In other words, they said this is a fundamental point, that groups and not individuals should be protected. Now, that concept of the protection of group rights is completely unacceptable to the ANC, and we maintain that once an individual is protected, naturally the groups are also protected. South Africa's Law Commission has also recommended that individuals should be protected. There should be protection of individual rights, and not of group rights. This is our approach, and I hope that these matters will be considered in the coming discussions between our organisation and De Klerk's regime.

Finally, then, Comrade Andrew, there will be an ANC Conference inside the country in December this year. Have preparations for this conference begun, and how widespread are they, or are they relying on how much the ANC begins to organise itself inside the country?

Well, first of all, as I said earlier, we have got to recruit members. And, obviously, if there are no members we cannot have a conference. So the crucial thing at the moment is, first of all, to recruit members into the organisation. I have already pointed out we'll have no problems as far as I can see in recruiting members because already we are overwhelmed by large numbers of people every day coming to our houses, saying, "We want to join the ANC." So I don't foresee any problem in preparing for the conference in December. At the moment we are just beginning to prepare. We cannot put the cart before the horse. We have to put the horse to the fore, and, in this case, the horse is recruiting people and forming branches and the structures of the ANC, before you can even think of a conference. But we shall have the conference as intended.



HARMS COMMISSION: SIDESTEPPING THE ISSUE

By David Michaels

The sinister means the apartheid regime uses to deal with its opponents has emerged with the recent revelations of police death squads and the SADF's Civil Co-operation Bureau (CCB).

Dirk Coetzee, a former policeman and self-confessed member of a police death squad, left the South African Police last October when the existence of such squads emerged.

Later, Coetzee gave the ANC information about murders in which he was directly involved, such as the murder of Durban lawyer, Griffiths Mxenge in 1981, and the murder by letter bomb of Ruth First in Maputo in 1982.

Initially it was a police scandal, focussing on death squads based on the Transvaal farm, Vlakplaas, under the command of Coetzee. However, the focus gradually shifted to the military and the ironically named Civil Co-operation Bureau run by Military Intelligence.

It emerged that the CCB had been established to carry out mainly foreign operations, about 200 of which were mounted. The chain of command reportedly included the Minister of Defence, General Magnus Malan, and the Chief of the SADF, General Jannie Geldenhuys.

The Harms Commission of Inquiry was established to investigate the murders following the outcry that stemmed from Nofomela and Coetzee's disclosures. It emerged that the CCB had been responsible for the assassinations of SWAPO Politburo member, Anton Lubowski and South African activist and academic, Dr David Webster.

Amid a surprising display of inter-departmental rivalry and back-biting, the police and the military accused and counter-accused each other of involvement in the scandal. However, it was clear that there had been co-operation between them and former policemen Staal Burger, Calla Botha and Abram (Slang) van Zyl, among others, were involved in CCB

activities.

The Harms Commission heard how CCB operatives bombed the Early Learning Centre in Athlone, Cape Town; planned to assassinate lawyer Dullah Omar by inducing a heart attack through poisoning; planned to fatally stab journalist and End Conscription Campaign (EEC) member, Gavin Evans; hung a monkey foetus from a tree in the garden of Archbishop Desmond Tutu's official residence, and planned to attack Allan Boesak, COSATU's Jay Naidoo and UDF leaders Albertina Sisulu, Trevor Manuel and Popo Molefe.

It also emerged that the Johannesburg City Council had run its own intelligence service for seven years and had spied on local political organisations and individuals, among them David Webster and Gavin Evans, and had monitored and compiled reports on them. Copies of these reports were sent to the police and Military Intelligence.

Malan was placed under increasing pressure to resign. Despite his statement that he had only known of the existence of the CCB since last November, the Harms Commission heard from a high-ranking officer that Malan had approved plans for the CCB in 1985 and that it had undergone several name changes since then.

Malan tried to take the spotlight off himself with the "revelation" that Anton Lubowski had been a paid agent of Military Intelligence, and for this reason the CCB would never have killed him. This slur caused an outcry amongst Lubowski's comrades, friends and family, who categorically denied the accusation. SWAPO President Sam Nujoma reacted angrily, calling Malan's actions a frame-up by the South African authorities and that the racist Defence Minister had fabricated the story to protect himself. He challenged the South African government to produce the evidence and make it public. "Anton was a patriot, not a spy," he said.

According to dubious evidence presented to the commission by the SADF, money was paid to Lubowski for his spying activities through the accounts of intermediaries, and they claimed the amount in his personal account was proof of this. Friends and comrades challenged this, saying that at the time of his death Lubowski had con-

trolled vast sums of money for SWAPO, for whom he had bought properties in Namibia. Additionally, sums in Lubowski's account had belonged to NAMLAW, a project initiated by Namibian lawyers and controlled by Lubowski himself. The money was intended for studying and possibly overhauling certain legislation after Namibian independence.



David Webster killed by CCB

The Harms Commission itself has increasingly come under fire. Accusations that the whole exercise was a farce and a cover-up emerged after reports that senior military officers had misplaced documents, files went missing and public records were falsified. The overall impression was that the regime wanted the commission over and done with as quickly as possible. The "evidence" provided by the SADF was not tested because the Lubowski family had no opportunity to cross-examine anybody. SADF lawyers attempted to silence Nedbank — by saying that it could not divulge any information on Lubowski's financial matters.

De Klerk's role in the matter is also suspect. He failed, despite public and international outcry, and repeated demands, to expand the terms of reference of the Harms Commission to include violence perpetrated abroad. He neatly sidestepped this by confining the inquiry to domestic political murders. This seriously curtailed effective investigation into the CCB considering that it (the CCB) had been set up to operate outside South Africa.

THE CONSTITUTIONAL POSITION OF WHITE SOUTH AFRICANS IN A DEMOCRATIC SOUTH AFRICA

By Albie Sachs

Published below is the first instalment of extracts from the first draft of a paper by Albie Sachs, intended to provoke thought about aspects of a future constitution in South Africa and about what should be done now to prepare the way for change. It will appear in two instalments in the May and June issues of Sechaba. The introduction is produced fully, followed by brief excerpts on federal options; suffrage; own-affairs-thematic apartheid; race group vetoes and the principles of consociational democracy; ghettos in government; congealing vested rights; and privatising apartheid.

What used to be called the black problem has now become the white problem. It is not easy to accept that even in relation to the demise of apartheid, it is the whites and their anxieties that dominate. Justice would require that the central issue be how to guarantee to the oppressed majority that their political rights be restored and the effects of centuries of colonial and racial domination removed. Negotiations should exclusively be about how to dismantle the structures of apartheid, establish democracy and correct the injustices of the past. Yet what is being projected as the central issue is the constitutional future of the whites.

In principle, this should be no problem at all: the whites will enjoy full democratic rights like all other citizens. Whiteness will become a constitutionally irrelevant category. Those people who are today classified as white will cease to enjoy the special privileges that go with this attribution and become ordinary members of society. The fact that their whiteness disappears as a constitutional fact does not mean that they vanish as people. On the contrary, once the system of white supremacy is destroyed, their true interests as citizens, no better or worse than anyone else's, can be protected, and this includes their interests both as individuals and as members of cultural, religious and other groups.

What those who regard themselves as white and who are anxious about their future should therefore be demanding is guarantees that their constitution be democratic and that the fundamental rights and liberties of all be respected, without consideration of race, colour, gender or creed. Yet what they are in fact asking for is precisely that the constitution be non-democratic rather than non-racial and that every consideration be given to race, colour and possibly to creed (the gender issue is simply too much for them).

Sometimes they claim to be speaking in defence of the rights of all minorities. On other occasions the issue is put as being how to prevent domination of one racial group over another. A further formulation is how to protect civilised standards, or, more fashionably these days, uphold first world standards. Much is said about defending group rights.

What it comes down to is that whites at present control the whole apparatus of government and repression, they are given by law 87% of the surface area of the country, they completely dominate the economy, they have acquired the habits and culture of the master race and they are reluctant to give up even the slightest of their privileges. At the more positive level, they are part and parcel of the history and culture of South Africa, they have skills and aptitudes which

could be beneficial for the whole country, and in increasing numbers they are beginning to break away from racist ideas and practices.

They have the capacity to do enormous harm to the country, and also the possibility of transforming themselves as they take part in the process of transforming South Africa. Building a new nation in South Africa requires solving the white problem, that is, destroying the system of white supremacy and establishing the means whereby the whites become ordinary citizens participating actively in the life of the society, neither more nor less privileged than anyone else.

If problems were solved simply by finding acceptable formulae, then the question of the future constitutional order in South Africa could already be regarded as largely settled. Those who have traditionally defended apartheid are now saying that they accept the following core principles:

- ★ an undivided South Africa,
- ★ no domination of any group over any other group, and
- ★ universal suffrage.

At first sight these principles appear to meet the basic claims of the anti-apartheid forces. The moment they are converted into concrete constitutional proposals, however, it becomes clear that they cover conceptions of government and human rights that are not only different from but incompatible with those of the anti-apartheid movement. The basic difference is the saliency given to race. The anti-apartheid position is to eliminate race as a constitutional determinant, while the approach of the authorities is to make race the fundamental factor.

Thus, the undivided South Africa could be a united country, or it could be a jumble of loosely related, race-based bantustans, cantons and federal states. Similarly, the principle of non-domination can be maintained by accepting majority rule subject to a Bill of Rights guaranteeing fundamental rights and liberties, or, alternatively, by establishing a system of racial 'own affairs' and race-group vetoes in Parliament. Finally, there can be one person one vote on a common voters' roll, or one person one vote on

separate racially constituted rolls; the suffrage could be universal and undivided or universal but separate.

The differences are not merely ones of degree, capable of being settled by a reasonable amount of give and take on both sides. There just cannot be co-existence between racial group rights and non-racial democracy. It would be like saying that just a little bit of slavery would be allowed, not too much, or that the former colonial power would exercise just a small amount of sovereignty over the newly independent state, not a lot. While the phased replacement of race rule by non-racial democracy can be contemplated, the constitutional co-existence of the two is philosophically, legally and practically impossible.

A number of assumptions can be made about South African historical and cultural reality which are relevant to any constitutional proposals. The first is that the system of apartheid is unjust, hated by the majority of the population and beginning to disintegrate under pressure. Second, South Africa is multi-lingual, multi-faith and multi-political. Third, there are vast social and economic inequalities that have been established by apartheid laws and practices. Fourth, it is in the interests of all South Africans to prevent the collapse or serious impairment of productive capacity or public utilities. Fifth, there are certain universally accepted rights and freedoms which are as relevant to South Africa as to any other part of the world. Finally, the process of nation-building and overcoming past traumas will require constant and sensitive attention.

The argument that follows is that, difficult though the initial adjustment might be, a non-racial democracy in fact provides far more effective guarantees to the whites (as to all South Africans) than does any system based on racial group rights.

I. Direct entrenchment of white privilege — the group rights scheme

The group rights approach is based upon the assumption that as far as political rights are con-

cerned, the fundamental unit in the constitutional structure is the race group and not the individual citizen. The group concept reflects itself in a number of different dimensions — territorially, electorally, thematically, procedurally and institutionally. The territorial materialisation of group rights takes the form of schemes for fracturing sovereignty on a spatial basis (federal variants) The electoral manifestation is through separate voters' rolls. The thematic dimension is via the concept of 'own affairs' in Parliament, which has as its Siamese twin the procedural concept of race group vetoes. This institutional aspect relies on constitutionalising private law devices for maintaining segregation.

Federal options

As a matter of pure principle, there are arguments for and against union just as there are in relation to federation. A number of liberals in South Africa have over the years argued in favour of federation simply as a means of preventing over-centralisation of power. The federal idea was coupled with the concept of a Bill of Rights. Had they left it at that and campaigned for universal franchise, their arguments might today have achieved considerable strength inside the broad anti-apartheid movement. The fact is that, with a few honourable exceptions, until quite recently they added a third check and balance that was manifestly racial in character, namely that of a qualified franchise which effectively excluded the majority of blacks from the vote. The federal concept thus came to be associated with the paternalistic notion that blacks were almost but not quite good enough to take part in governing the country.

In dealing with the whole question of federalism, it is useful to remember that different objectives might be wrapped up in the same concept. For some, federalism is meritorious in itself inasmuch as it prevents excessive concentration of power in any single authority and at the same time encourages respect for genuine regional differences. For others it is a way of depriving majority rule in South Africa of any meaning; by virtue of drawing boundaries round race and

ethnicity, it will prevent the emergence of a national government, keep the black population divided, prevent any economic restructuring of the country and free the economically prosperous areas of the country of any responsibility for helping develop the vast poverty-stricken areas. As far as the second group of pro-federationists is concerned, the issues are really ones of self-interest dressed up as principle, and will have to be dealt with on that basis.

Suffrage: universal but separate

No one seriously argues today that whites can continue to have the vote and blacks not. The principle of universal or, rather, of generalised suffrage, is no longer contested. Even the most conservative sections of the whites accept that all blacks should have the vote. The question is how the vote should be exercised.

Classical apartheid would permit Africans to vote only in independent tribal bantustans. Reformed apartheid would add that so-called urban Africans could elect statutory bodies which would then link up with the bantustans and the tricameral parliament to create a confederal superstructure for the country as a whole. Multi-racial apartheid would go a step further and permit elections for a single government, but voting would be done on separate racial rolls.

In all these cases there would be universal franchise in the sense that all adult South Africans, black and white, would have the right to vote. Yet in each case the very way in which the franchise is exercised would perpetuate rather than help dismantle apartheid.

The implications of having separate voters' rolls reach well beyond the composition and functioning of the legislature. They both ensure that elections will never be fought on a national but always on a sectional basis, and require that the population of the country continues to be officially classified according to race. In order to be placed on his or her particular roll, each voter will have to satisfy the registering officer that he or she belongs to the relevant racial group. Provision will have to be made for so-called borderline cases and criteria will have to be

established for classifying persons of mixed ancestry. In other words, one of the key and most odious of apartheid statutes, the Population Registration Act, formerly the Race Classification Act, will have to remain on the statute book. Registration officers will have the task of looking at people's hair and noses and judging skin tints or giving language or cultural history tests.

What South Africans need above all is to acquire the habits and practices of living together, working together and voting together, and doing so as equals. A common voters' roll is the most fundamental indication of a shared citizenship and shared loyalty. It is the equivalent of independence for the former colonies. It is the mark of sovereignty, which for the first time will be coextensive with the people as a whole. Universal franchise on a common voters' roll will not in itself end apartheid, which is an intricate and all-pervasive system with institutional, economic and psychological dimensions, but it will be both an historical acknowledgement of the fundamental equality of all South Africans, and the means whereby the inequalities and injustices of the past can be overcome in an orderly, law-governed and democratic way.

Own affairs — thematic apartheid

The idea of separate states gave way reluctantly to that of separate parliaments. Now separate parliaments are being superseded by separate themes. The members will all sit together in the same chamber, even eat and perform all their natural functions together, but the issues which they discuss will be segregated.

The concept of own affairs presupposes the race classification not of people but of themes. The constitution will define a whole range of questions that will be regarded as falling peculiarly and exclusively within the domain of certain race groups. These would include not only matters such as language, where group rights could be entertained, but residential, health and educational issues, with massive implications for taxation, finance, insurance, construction, land ownership and even for security.

Race group vetoes and the principles of consociational democracy

Control over own affairs can be exercised either offensively, in the form of exclusive right to legislate to certain themes, or defensively, by virtue of the right to nullify or veto legislation touching on own affairs. The racial group veto is being projected as the ultimate safeguard that group rights will be respected. It is a fallback position, but one of an absolute kind. It is not only objectionable in principle, it would be disastrous in practice, and particularly so for the whites whom it is intended to protect.

The devices of own affairs and mutual vetoes are in fact derived from the principles of what has been called consociational democracy. In essence, supporters of consociational democracy argue that the unqualified application of majority rule in countries torn by severe cleavages of language, religion, political allegiances or national origin, is undemocratic and leads to governmental paralysis; it is undemocratic because the 'winner takes all' principle means that nearly half the population is excluded from government, and it paralyzes public administration because all social energies are directed towards capturing total power for one's own group and keeping the other group permanently out of office.

Ghettos in government

The principle of race representing race with guaranteed positions and blocking powers would extend into the government itself.

This raises some problems in relation to the Presidency. If it were possible to apportion sections of the body along racial lines, this would surely be done, with the head no doubt being white to take the decisions and the arms black to do the work; one can only speculate as to who would get the other parts. What the biological scientists cannot achieve, the constitutional experts are trying to accomplish. Instead of allowing the people of the country to choose their president in fair and open elections, they are proposing a complicated scheme of indirect choice

based upon a racially constituted college.

II. Indirect entrenchment of white privilege

There are non-racial as well as racial ways of entrenching white privilege. The racial way is to construct the constitution around categories of race. The non-racial ways are two-fold: the one is constitutionally to freeze the economic and social status quo, the other to ensure constitutional protection for privatised apartheid. Both schemes fit in with the idea of Parliament being a place where blacks can talk as much as they like, but only act in relation to their own affairs, namely, the bantustans, the urban slums and the overcrowded schools and hospitals. Even in this limited sphere they will be emasculated, since the resources needed to bring about any major improvements would be constitutionally under white lock and key.

Congealing vested rights

An apparently race-free clause in the constitution would protect what would be termed vested interests from any governmental interference. To adapt Anatole France's famous statement, any such constitutional device would, in its democratic and non-racial way, protect with equal majesty the vested interest of blacks to live in compounds, to migrate from the bantustans, and crowd the townships, hospitals and schools, and of the whites to occupy the suburbs and take trips to Hong Kong.

Privatising apartheid

The ultimate defence of white privilege is to take it out of the domain of public law altogether and protect it as a private matter. This would be done by means of an apparently innocuous constitutional provision which simply acknowledged the inviolability of contracts and freedom of association. If necessary the old Latin phrase, *pacta sunt servanda* — agreements must be honoured — can

be utilised. Apartheid as a system of public law would be dead. The statutory division of the population on the grounds of race would be over. There would be no legalised discrimination, no official segregation of facilities, no racial group areas, no system of separate schooling, no apartheid in hospitals or swimming baths or golf courses. All that would exist would be a clause in the constitution permitting people to form private associations on a voluntary basis, and then another clause upholding freedom of contract. People could then get together and by virtue of pacts or restrictive covenants create racially exclusive residential areas, establish racially exclusive schools and hospitals and swimming pools and golf courses.

Conclusion

Six different constitutional schemes are being prepared with the common objective of preserving a privileged position for the whites in a future South Africa. They are intended to operate as a package, and yet each single one on its own could have the effect of frustrating the development of non-racial democracy in South Africa. The basic argument used to justify them all is that whites would be swamped by the black majority unless they received special constitutional protection.

It is contended that this argument is false, and that non-racial democracy offers a far more secure position for all South Africans, the whites included, than do any of the special schemes.

Enquiries about the full draft should be sent to:

*Albie Sachs
c/o South Africa Constitutional
Studies Centre,
Institute of Commonwealth Studies,
28 Russell Square,
London WC2.*

THE CASE FOR PROPORTIONAL REPRESENTATION IN A FUTURE SOUTH AFRICA

By P M Mtshaulana

The preamble of the Freedom Charter

The preamble of the Freedom Charter begins with the famous statement, "South Africa belongs to all who live in it, black and white." It is not far fetched to suggest that the phrase was not only aimed at dismissing apartheid and balkanisation of the country and defining the main forces that would be responsible for change but that it was also meant to provide answers to such questions as:

★ What is majority rule in the South African context?

★ Given the specific history of South Africa, what would be the position of whites in a future South Africa? Were they to be driven away to the sea?

★ Given the fact that the blacks had played no role in the discussions that preceded the 1910 union, what was the democratic movement's views on this Act (Act of Union)? Did it accept it as a reality that could not be reversed without causing confusion? Did it accept a united South Africa or did it intend to reverse the wheel of history; if so where was the line to be drawn — 1910 or 1652?

The participants at the Congress of the People chose to accept the course of history up to that time, confirming that the borders of the country as they were up to that time, had to be maintained. What the Congress however rejected was the continued imposition of the will of the white minority on the majority of the people; its continued domination of the country against the will of all its majority. These foresighted delegates however did not stop there but also expressed themselves against any form of domination by one group: "no government can justly claim authority unless it is based on the will of all the people."

"The Freedom Charter thus begins by an asser-

tion of what is and has been a cardinal democratic principle, that all can live in South Africa, whatever their origin, in equality and democracy. That South Africa of the future will not be a country divided and dominated by a particular racial group. It will be a country of all its inhabitants."¹

All national groups shall have equal rights

The question we must ask ourselves is: why was it necessary that the Freedom Charter protect both human rights (individual rights) while declaring that the rights of national groups be protected? The Freedom Charter does not only declare that all shall enjoy equal human rights but this is reinforced by a declaration that a future South Africa will also ensure that all national groups shall receive equal treatment and enjoy equal rights. This clause is a recognition that the system enforces "discrimination not only against individuals by reason of their colour, but that in addition some national groups are privileged, as such over others. At the moment the Afrikaner national group is lording it over the rest of the population ..."²

There are two aspects to this pyramid structure of South African society. In the first place the system places the ruling groups in a position to despise African culture and languages whilst developing their own.

"The culture of the Indian, African and Coloured people is barely tolerated. In fact, everything is done to smash and obliterate the genuine cultural heritage of our people. If there is reference to culture by the oppressors it is for the purpose of using it as an instrument to maintain our people in backwardness and ignorance."³

The Freedom Charter hopes to correct this

situation by enabling all national groups to have equal chances to develop their own culture and languages and to eradicate all racial prejudices and practices.

The other aspect of this equality of all national groups is at state and government level. At present only the whites have the right to be elected as representatives in parliament (I am here excluding representation in bantustan and Indian or Coloured or any other parliament constituted to perpetuate white domination on the basis of race). Even within the tricameral parliament they have veto rights or it is so constituted that their power is guaranteed. Above all, they alone can be judges or occupy high positions in the civil service.

Equality of national groups means that there shall be equal status in the bodies of state, in the courts, in the army and everywhere else. Every state or government institution shall reflect the multi(racial)national character of our country. Even "the parliament of South Africa will be wholly transformed into an assembly of the people."⁴ The presence within the Freedom Charter of the clause on human rights side by side with the clause on equality of national groups is no contradiction in terms but a reflection of the complicated nature of the South African society. The recognition of the existence of groups is no submission to the politics of bantustans and division. The unity we are fighting for presupposes the existence of different entities and these are in our situation both individuals and groups. We are not striving to unite the groups in order to obliterate them or drive them to extinction but we want to unite them into a people that will live as one while promoting the separate identities of the individual entities. The difference between this approach and the apartheid approach is that by, and while, creating conditions for the survival and existence of the groups there is no force being imposed on the individual members of the groups to belong to one group or another. The individuals have the freedom to choose the group to which they would like to belong without state interference. Each individual is autonomous in this regard. No one shall be forced to live in a bantustan simply because the great-grandfather was born there, nor shall whites be prevented from living in these rural areas if they choose to. Each

individual shall have freedom of choice. The question is how do you ensure that the parliament, for example, reflects the South African society or becomes an assembly of the people? Viewed from the point of view of an electoral system it could be said that the district system which is presently applied in South Africa has the weakness that a party which is evenly spread all over the country can easily be elected to parliament to the exclusion of others. If there are 100 voters in each district and there are three contesting parties it is possible that the party that gets 34 votes in each district wins the election in all districts if its opponents only get 33 votes each in each district. Ultimately this can result in a party with only 34% of the votes dominating the country. Imagine the three parties were a leftist, centrist or a rightist party and if the party with 34% is the centrist party. The contradictions between the other two parties are so sharp that a coalition would be hardly possible, and thus the centre party could be in power forever. Under proportional representation, all these various streams will obtain representation equal to their strength in the electorate. This means that under this system even though the whites are outnumbered 4:1 they would still have a representative (who need not necessarily be white). On the other hand, it will still be possible for a small group, whether based on religious or racial or cultural lines, to form a party whose main task shall be to represent their interests in parliament. Such a small group has a chance of being represented under the district system only if it is grouped in one area. The danger then is that sometimes it can be so small proportionately to the whole country that in fact it does not even deserve to be represented. If they only form 26% in a district and the other parties through the formation of this party are now reduced to 24% then there are four parties with different policies and the small party can just occupy that seat forever while they are opposed by 74% in the district.

Proportional representation creates possibilities for equal representation of all parties irrespective of their backgrounds. For one day after the revolution that means that if the present white parties changed their racist policies but retained their membership they would then have the opportunity to be represented proportional to their strength.

That means also that if some whites vote for the ANC, the white parties will receive proportionally the seats equal to the total number of whites minus those that vote for the ANC.

In Zimbabwe, the type of proportional representation adopted in 1980 gave the whites a block representation. But of course there is a risk that if the AWB/CP (a rightist party which has scrapped racist clauses in its constitution) got the 34% in all district white elections and suppose there are progressive parties within the white community (NP and DP) then under the 1980 arrangement this AWB/CP alliance can easily swipe all the seats. In this way the parties that could easily serve as a bridge between the two extremes are being excluded from the democratic process. Under proportional representation the white voters of these parties can still vote for their own parties and the AWB/CP receives only a third of the seats.

The ANC was formed in 1912 and since then it has been striving to unite the people, and in particular the African people. The aim of that unity was to organise the people against minority domination. To the extent that the ANC has been able to unite around itself and its programmes a broad front of organisations united against apartheid this task has been achieved. But unity against apartheid is not unity of political thought. South Africa knows workers' organisation, parties, trade unions and youth organisations also within the black community. Within the black community there are organisations which, though they support the anti-apartheid cause of the ANC, do not necessarily support its policies. Above all, the bantustan policies have kept the people separated and they do not know each other's culture. This applies not only between whites and blacks, but also between blacks themselves. The ANC, clearly the biggest political organisation, is very weak in certain regions and bantustans. It is thus theoretically possible that while the ANC gets the

majority of seats it can have proportionally less representation from a particular group or region and the possibility of no representative is also not excluded. A complete absence of representatives from a particular group in parliament can easily lead to the growth of tribalism and on the other hand if the ANC has slightly more than 30% support from that region then the other groups are powerless except to resort to undemocratic methods.

One person one vote does not lead in all cases to rule of the majority as I indicated with the example of the 34% strong central party. Theoretically, the other parties can form a coalition, but a coalition of a right and a left party will never lead to anything, and as it collapses power will return to the 34% strong party. There is no better recipe for a continued civil war caused by the fact that people cannot solve problems by using the normal democratic channels.

In my opinion, adoption of proportional representation has support from the Freedom Charter, as indicated above. I would like to caution that people must not think that by creating conditions for married spouses to divorce you are therefore encouraging divorce. On the contrary, you are encouraging that only healthy marriages should remain, people must not be forced to remain in marriages they do not want.

Similarly, by creating possibilities for small groups to form their own parties when they do not feel properly represented, you do not thereby force splits into separate groupings. If anything, it forces big parties which are interested in ruling to try to adapt their programmes so that they meet the needs of all groups. As long as bit parties are not disregarding the interests of small groups, the latter will have no reason to break away, but what survives is a voluntary union. Proportional representation is an electoral system that we ought to examine as a better solution than the repeatedly emphasised solution of "group rights."



BOOK REVIEW

Higher Than Hope — A Biography of Nelson Mandela, Hamish Hamilton, London 1990, £15.99.

The name of Nelson Mandela has become a household name both in South Africa and abroad. Many books have been written about him. But the book under review is different in that it is an authorised biography. Winnie Mandela who wrote the foreword confirms:

"I cannot remember how many friends volunteered to write the real family biography. Until this point in the sad history of our land there have been numerous writings, some from complete strangers who know very little about the family. Over the years I have communicated this information to Mandela as best as I could, since my visits to him in prison could be terminated at the mere mention of a name that was not of a member of the family.

For several years Mandela toyed with the idea of getting a friend of the family to write his biography. There was no better person for such a narrative than Fatima Meer who knew Mandela from the early 1950s with her husband, Ismail Meer. Not only did Mandela request Fatima to undertake this task, he wrote to her and asked me to pursue her to get down to it and I did it."

Born in 1918 in a village in the Transkei, Mandela grew up to be a giant both physically and politically. His royal background had little to do with his political development, his membership of the ANC, which he joined in the early 1940s, had more to do with it. This was a period of intense political agitation in South Africa, and internationally the progressive forces were fighting a life and death struggle against the forces of darkness.

Mandela almost literally dived into this stream of political struggle, first in the ANC Youth League in 1944 and later in the "mother body", the ANC proper. This was in Johannesburg, the industrial heartland of South Africa. He was introduced into the ANC by Walter Sisulu who later

became Secretary-General of the ANC and he worked together with his colleagues and comrades such as Oliver Tambo, now President of the ANC. The list is too long. Some were African nationalists, while others like Moses Kotane, J B Marks and Dan Tloome were communists. His colleagues were African, Coloured, Indian and progressive white.

But Mandela is more than just a product of his environment. He actively sought and still seeks to change his environment. With his colleagues in the ANC Youth League he injected a spirit of militant African nationalism in the ANC which radicalised the movement in the 1950s. At this time, says Fatima Meer:

"Nelson was required to be almost everywhere at once. He travelled as rapidly as he could, mostly in buses and trains, co-ordinating branches and stimulating support to ensure success" (p 51).

Despite his heavy schedule, in which he gave little thought to himself, he did not forget his family obligations.

Mandela was arrested many times, banned and forbidden to publish articles or make public speeches. In 1951 Mandela was elected President of the Youth League and the following year became volunteer-in-chief of the campaign for the Defiance of Unjust Laws. In 1952 Mandela became the President of the Transvaal ANC to replace the banned J B Marks and in 1953 set up a legal practice in partnership with Oliver Tambo.

He was responsible for revising the ANC organisational structure and introduced what was to be called the M-Plan (Mandela plan) based on small, street cells. When the ANC was banned in 1960 Mandela went "underground" and he became a co-founder of Umkhonto we Sizwe, the military wing of the ANC. Umkhonto we Sizwe had a central High Command and regional commands were set up under the direction of Mandela as Commander-in-Chief.

It was at this time that he skipped the border and toured the continent of Africa. He addressed

the conference of the Pan African Freedom Movement for East and Central Africa (PAFMECA) in Addis Ababa in 1962 and because of his influence PAFMECA became PAFMECSA to include Southern Africa.

This is where he met many African freedom fighters such as Kenneth Kaunda who later became head of state.

In Ethiopia and Algeria Mandela underwent a course in military training for "if there was to be guerrilla warfare, I wanted to be able to stand and fight with my people and to share the hazards of war with them" (p 198). Mandela did more than that. He made arrangements for ANC recruits to undergo military in independent Africa. Since this was a departure from his mandate, Mandela, this disciplined ANC leader, had to obtain permission for this from the ANC in South Africa and had to organise this scheme with the co-operation of ANC offices in Africa; "The first batch of recruits actually arrived in Tanganyika when I was passing through that country on my way back to South Africa" (p 198).

The ANC realised that the formation of Umkhonto we Sizwe "would make a heavy call on our slender resources, and that the scale of our activities would be hampered by lack of funds" (p 254). One of his instructions was to raise funds from the African States. But this African trip of Mandela's revealed more than that:

"I must add that, whilst abroad, I had discussion with leaders of political movements in Africa and discovered that almost every single one of them in areas which had still not attained independence had received all forms of assistance from the socialist countries as well as from the West, including that of financial support. I also discovered that some well-known African states, all of them non-communists, and even anti-communists, had received similar assistance.

On my return to the Republic, I made a strong recommendation to the ANC that we should not confine ourselves to Africa and the Western countries, but that we should also send a mission to the socialist countries to raise the funds which we so urgently needed."

Mandela returned to South Africa of course not

through Jan Smuts Airport. He became involved in the organisation of Umkhonto we Sizwe and its activities until he was arrested on August 5th, 1962, 17 months after going underground.

This story is told in detail and with passion by Fatima Meer who relates also the events leading to the Rivonia Trial, the life of Mandela in prison and takes the story up to 1989 with "Murmurs of change" as the last chapter. The letters from prison make interesting reading and part IVV "Memorabilia" includes useful information about Mandela milestones, Mandela family tree and gives us the whole Thembu genealogy from Nxeko, the father of Hlanga and Dlomo. If this authorised biography has any flaws it is the typographical mistakes, a technicality, and some spelling and factual errors.

The book is dedicated to Chief Albert Luthuli, Dr Monty Naicker and Bram Fisher.

Nelson Rolihlahla Mandela is out of prison but not yet free. He is the leader of the South African people. The people of South Africa have chosen Mandela to be their spokesman and he says he does not want his people to be fat slaves.

The title of the book comes from Siphiso Sepamla's poem "I Need" which is quoted at the beginning of the book, Sepamla says:

I need today oh so very badly Nelson Mandela out of the prison gates to walk broad-shouldered among counsel down Commissioner up West Street and lead us away from the shadow of impotent word-weavers his clenched fist hoisted higher than hope for all to see and follow.

Mandela is definitely higher than hope, especially for those assisting him to implement his philosophy that only free men can negotiate.

It is difficult to exhaust the philosophy of Mandela in one book — but Fatima Meer has done well.

—F Meli

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28 Rue des Petites Ecuries
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**GERMAN DEMOCRATIC
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