

COMMISSION OF INQUIRY  
INTO THE SOUTH AFRICAN COUNCIL OF CHURCHES

HELD AT PRETORIA

ON 16 MAY 1983

CHAIRMAN

THE HONOURABLE MR JUSTICE C F ELOFF

COMMISSIONERS

MR S A PATTERSON (absent)

MR T L BLUNDEN

PROF P OOSTHUIZEN

MR F G BARRIE

CHIEF INVESTIGATING OFFICER

ADV K P C O VON LIERES SC

INVESTIGATING OFFICER

ANV ETIENNE DU TOIT

SECRETARY

MR M L MARAIS

ON BEHALF OF COUNCIL FOR THE

ADV KENTRIDGE SC

S A C C

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COMMISSION RESUMES ON 1983-05-16WOLFRAM KISTNER, still under oath :

MR VON LIERES: Could you get the sketch before you please? You will remember we started discussing the organisation of the cluster of Justice and Society and you pointed out certain errors in the sketch and we dealt with certain of the projects and we were busy dealing with the Commission on Human Rights at the adjournment on Wednesday. Could we then please continue with the Commission on Human Rights and could you perhaps explain to the Commission the function and the purpose of this particular (10 Commission as far as the S A C C is concerned? -- This Commission has met only several times. Its purpose is to investigate what the churches can contribute towards the whole understanding of the human rights issue. They are still considering how this Commission is to be organised thus it has not been finalised at all. They have discussed at two meetings as far as I remember the whole concept and also the aims which this Commission should have.

Perhaps we can get just get a short historical perspective on the S A C C and human rights. Could I refer you to the (20 report of the various divisions to the 9th National Conference of the South African Council of Churches with the theme "Human Rights in biblical perspective". This was held in 1977 at Hammanskraal, July 26 to 28. That was, of course, not the first reference or discussion in the South African Council of Churches that was held on human rights. I think you will recall that when Prof Johanson was the acting director of Justice and Reconciliation he also prepared certain papers on human rights. -- Yes.

Then in 1977 you delivered a background paper on human (30 rights/..

rights to the National Conference which is the one in front of you now, is that correct? -- Yes.

And may I just ask you or refer you to one aspect of this particular paper which is on page 13 and on page 13, the first paragraph under the heading "The Human Rights Concept in the present South African context". In this particular paragraph you say that within South Africa a considerable number of Laws passed with the alleged aim of securing law and order and ensuring protection against outside enemies has undermined the understanding of what constitutes justice. It has become clear (10 that laws do not necessarily guarantee justice. They can be used to entrench and legalise injustice, oppression and persecution. The principle of legality therefore is not an adequate guideline for the involvement and the participation of Christians in the affair of the State and the society. Criteria needed for what is ethically legitimate in State and society. The human rights principle offers such criteria. Have you got that passage? -- Yes.

In what sense does human rights offer a criteria on your understanding for what is ethically legitimate in State and (20 society? -- The human rights principles do not refer simply to the interest of a particular society, but they are human rights. They are criteria for what is to be regarded as just related to the whole human community and I think nowadays in the Churches there is a growing awareness that justice in one society cannot be achieved at the expense of another society, just as peace cannot be achieved simply by looking at the needs of one society but you have to consider everything in terms of the whole human community. The human rights principle is an attempt to define criteria which should be applied to any State and you have (30

attempts in constitutions of some countries to entrench such principles even in their Constitution. I could refer to the Constitution of the German Democratic Republic where after the experience of the National Socialist period you had a basic law thus legislation that is passed by the State can be tested, whether it really complies with basic insights of justice and you have a court which decides about this matter. Thus here you have entrenched this within one and the same country on the basis of particular experiences. But, of course, those principles have been defined in that country, particularly in view (10 of the experience of the persecution of the Jews; of oppression of the people and so on. But there are quite a number of groups in different countries who work on this questions: How do we define human rights. You can have the protection of the rights of the individual, but if the rights of the individual are protected in an unlimited way you get a situation where the powerful people have unlimited scope or people with certain possibilities and the weaker sections in society are not protected adequately. Then you have a different type of approach with a certain Socialist perspective and how can these be balanced. (20 And that is the concern also of the Church to do work on these issues.

Lower down on page 13 under the heading "The S A C C and the Human Rights principle" you posed the question :

"How can the S A C C and its member Churches contribute towards a new order which safeguards South African Society and all its members against human rights violation.?"

Allright, have you got that? -- Yes.

Now, this theme is taken up in the 1978 background paper which you submitted to the National Conference in 1978 which (30

which was held on 10 to 14 July 1978 and on page 7 of that particular background paper for the discussion of the problem of a just revolution, I will show you the document in a second, you say -

"The South African Council of Churches therefore expresses its solidarity with the aims of the Liberation Movements but qualifies its support by subjecting the concept of freedom to the human rights criteria." -- Yes.

Do you recall that? -- I think so yes. This is not merely a personal paper, it is a paper of study groups which worked (10 on this issue and the whole question of the relationship towards Liberation Movements was discussed, also the whole question of violence and non-violence. I think we said that Christians have to raise questions in relation to people who espouse the principle of non-violence, because if you espouse the principle of non-violence then in a situation where according to your view injustice prevails, you have to ask what are you doing then for justice. Is your insistence on non-violence genuine if you still carry arms, if you protect yourself continuously against revolvers; buy revolvers against attacks and so on. In the (20 same way one has to raise questions to those people who see .... who think that they have no option but to use weapons in order to achieve justice.

Excuse me for interrupting you. -- Yes.

I am quite happy, we are not discussing violence and revolution now. I am just asking you about the qualification that you describe there namely that you support the aim of the Liberation Movement subject to the recognition of human rights as a safeguard. Just that little bit. -- I think that has exactly to do with the question of violence that if you consider (30  
revolution/..

revolution you must be clear that order which you aim at is better than the existing one that you remove; that you have a clear aim that even that order will be subject to the human rights criteria that the rights of individuals are protected. That you are clear about your methods which you use; that people - if you aim at change - have access to courts of justice.

Could I just ask you, accepting all that, how do you foresee that a new order would guarantee this protection the Division of Justice and Reconciliation seeks to find? In other words, how do you foresee that a new order, whatever the nature may (10 be, is going to abide by the human rights criteria as your Division understands it? -- The concern here is that the Church in any situation, even if there is change, has to emphasise to groups aiming at change any change has to be subjected to this criteria of human rights and the Church in any situation is obliged to insist on this, whoever is in power. I do not think the Church in general works out a political programme, it does not identify with the programme of a political party but it can point towards certain aspects which should be respected in any political order.

I see. So it is basically to draw attention of the new(20 order to the fact that the Church expects it to recognise the principles of human rights? -- Yes, and also to the existing order I mean why should an existing order not be changed.

Yes of course, right. Your background article, does it say that the principle or the maintenance of human rights creates a common responsibility for all States to preserve mankind if I can summarise the first two pages very briefly. The 1977 one, the background paper. Yes that one. Is that in essence what you are suggesting on page 1 of your document, about halfway down the middle? -- I say here the term "human rights" (30

indicates/..

indicates limitations to the authority of the individual states. Its subjects have rights which transcends the State's authority. And this insight comes from the fact that we still have very strong emphasis nowadays on the sovereignty of the individual State and we lack an international political order where certain concepts are recognised by all States. Here we say the term "human rights" furthermore implies a common responsibility of all nation States for the welfare, the preservation and development of the human community as a whole and for the world as its habitat. I think South Africa has made an important contribution in one way to this insight in that General Smuts when the Constitution of the United Nations was formulated - I think it was in the United Nations - he took care that the human rights concept was included in the preamble. That is part of this insight that there is a common responsibility of all nation States for the respect for human rights. (10

Now if that common responsibility of all States for the respect for human rights does in fact exist, what do you see the effect of non-compliance with the human rights principle by a particular State to be on the other States? In other words (20 let us argue, or let me suggest to you theoretically that South Africa does not adhere to the principle of human rights, does the non-adherence result in some stance or action or pressure from other States who adhere to the principle or must it result into some form of pressure? -- I do not think I have been concerned here so much about other States, what other States do. I would have to read the document as a whole, but what Christians in a particular situation should do and irrespective of what I say here, because I think I would have need to read it quietly, but first of all I would think that Christians should insist (30

that/..

that their country recognises the human rights principle and that you get a situation where you accept this principle and get it even entrenched in your Constitution. I know that in one homeland this has happened - I think in Bophuthatswana. I do not know how far it has been implemented, but at least the principle has been accepted.

From your understanding of human rights, would you expect other States to exert pressure on a State which does not apply the human rights principle? -- I think it would be a responsibility of the community of States what they do if they find (10 human rights principles to be violated in a particular State. They do that in a certain way in the United Nations and the United Nations has a sort of a treaty on human rights. Certain nations have signed that human rights agreement.

Could one then summarise very briefly and say that non-compliance by a State with the principle of human rights can generate international pressure against such a State? -- Well of course we have the experience that that happens.

Could I ask you, how does the South African Council of Churches see that the recognition of human rights in South (20 Africa would assist in contributing towards fundamental change? -- I would imagine that if the South African Council of Churches works on this issue and tries to create an understanding, we have in South Africa also lawyers who work on this issue and there are numerous groups thinking about this topic, then one can create an awareness that this is what is needed in South Africa and then one would also create a better preparedness to listen to what Christians in other countries and also to what other countries say in relation to South Africa. I would also think that we would come to insight that in South Africa itself justice and (30

peace can no longer be achieved by making use or encouraging divisions between people, but that there is need of a collective security and of collective peace. That Black and White people depend on one another for peaceful relations and for justice and this insight is growing generally in the human international community that boundaries and divisions between people do not ensure peace. Thus I think from this point of view the Council of Churches has very much insisted on a unitary State in South Africa and it is a tremendous invitation actually on the part of Black people. They want to be together with White people and that (10 this willingness to be together should be used for mutual acceptance. Then one should consult what is really the .... which are the basic concepts of justice which we can accept in common and how can we get them respected in our society and in our State.

After the 1977 background paper and the 1978 reference to human rights to which I have referred you, the National Committee of Justice and Reconciliation recommended that a Human Rights Commission should be established. This was minuted in your minutes of the Justice and Reconciliation Committee meeting of March 17/18-1981. The relevant portion of this particu- (20 lar decision is to be found on page 9 under paragraph 9.7 of those minutes and under the heading "Human Rights" it says -

"The Justice and Reconciliation Committee considered proposals for the formation of a Human Rights Commission and took account of the discussions that have already taken place with various persons. It expressed the concern that the Human Rights Commission should contribute towards an understanding of law that differs from the positivist concept of law and justice which prevails widely in the legal profession in South Africa. The J & R Committee recommended that (30

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the Legal Research Centre should be asked to send a delegate  
.... et cetera."

Could I just ask you about this reference to positivism,  
how is that connected with human rights? -- I ... (intervenes).

Excuse me, before you answer that question, will you just  
identify the minute please? Is that the correct minute? -- The  
minutes are correct.

Then the question is, how is this positivism connected to  
human rights? -- I was not at all the meetings of this Human  
Rights Commission, but I remember having read a paper by a (10  
South African jurist - I do not remember exactly who it could  
have been, it might have been Prof Dugard or Prof van der Vyfer.  
They - or Prof Matthews in Durban - point out that in the legal  
profession very often the people who are involved in the legal  
system think their task is to interpret the existing law and not  
to measure or to expose existing law to criteria which are gene-  
rally accepted on what constitutes justice and this was the com-  
plaint. This attitude is being described as a positivistic  
approach to the understanding of law. I suggest that this term  
refers to this type of thinking. (20

Do you subscribe to that criticism of positivism? -- I think  
we do not see it merely in the legal profession, we see it in  
other professions too and in other areas. I think you could have  
a reflection of that in the police memorandum submitted to the  
Eloff Commission where at one point they say: It is not our task  
or the task of the police to examine the validity of certain  
laws but simply to carry them out or something of the kind you  
find in that respect. You can also have similar attitudes in  
churches where what is right and what is wrong is determined by  
the law of the existing countries, or if I come back to the (30  
police/..

police report. At one point they take the constitution as the absolute criteria according to which everything should be judged, even the work of the churches.

You also referred to the existence of this feeling of positivism in the churches. I have come across a reference in a letter that you had written on 18 January 1978 which was in your file, D5.3.1 on page 4. It is a letter you wrote to a gentleman in the Netherlands and on page 4 paragraph 3 where you discuss the Ecumenical Research Exchange report you refer to the fact that that report develops the concept of legalised (10 injustice and exposes the weakness and absurdity of a positivistic concept. You say these passages are of great value for discussions in South Africa where positivism in the understanding of justice is very pronounced even in the churches. Do you recall that perhaps? - Frequently one hears Christians who are engaged in working for change of the present structures using the argument "We do nothing against the Law" as if this were a moral justification of their actions. Could you just identify that for us please? -- This is a paper which I have written.

This positivistic approach which you find to exist in (20 the South African society, in the churches, amongst the police et cetera, does the South African Council of Churches or the Division of Justice and Reconciliation consider such a state of mind as positivism implies a stumbling-block to the work of the Council? -- This can be a stumbling-block and I think the Council of Churches in its work is bound to its understanding of the biblical message and if you look into the Bible you find two aspects. On the one hand you have the insistence on obedience to the authorities that also secular authorities are an institution, but this obedience is limited and that institution is (30 according/..

according to Romans 13 to serve justice. Thus you have both aspects. On the one hand you have an insistence on obedience to the authorities but you also have an indication of the limits of obedience. I think one has to see both in their balance, whereas we find in the churches very often an insistence only on the one aspect and one has to see both in the balance.

You have referred to the question of obedience to the authorities in Romans 13 in connection with positivism and human rights, is it correct that the Division of Justice and Reconciliation had a booklet prepared on Romans 13 in which the (10 Division or the Council's view on how Romans 13 is to be understood, is set out? -- This was a paper published by the Division of Justice and Reconciliation. It had two different contributions on the interpretation of Romans 13 - obedience to the authorities and the approaches were different and therefore it is not, you could not say this is the interpretation of the Council of Churches but it is an attempt to show how Christians see this from different backgrounds. The one is as far as I remember an article written by Prof Mulder and other one by Reverend Robertson if I am not mistaken. (20

And the reason for that particular publication, is that what is reflected in your minutes of the Justice and Reconciliation Committee's meeting 25/26 August 1981, paragraph 7 which says -

"Romans 13: 1-7 is used in wide circles within member churches of the S A C C as a legitimation mechanism for irresponsible measures of the SA Government and that is the reason why an easily understandable interpretation of the text is to be prepared and speeded up."

-- This quotation is taken from the minutes of the (30 meeting/..

meeting of Justice and Reconciliation and at this meeting the delegates expressed this opinion. I remember this discussion and they said, delegates of churches, that this is a very widely accepted opinion and they asked for this, for an explanation of Romans 13:1-7 which could be used in the churches.

Just to round this off, one or two last questions. Is the effect of providing a interpretation of Romans 13 not to provide a theological basis to conscientise members to move away from the positivistic approach to law and thereby to remove certain moral restraints they have on violating the law. In other (10 words if I may put it slightly differently, acceptance of the S A C C's interpretation of Romans 13 could lead to easier participation in non-violent action? -- The background of this whole discussion is the fact that the Christian has to consider what is God's will in a certain situation and that there is not sufficient awareness of the whole understanding of Romans 13 in the churches. If you see this passage in its context in Romans 12 where this section of the letters to the Romans started, there is in the first two verses the Apostle Paul admonishes that we should test what is God's will. What is the true worship (20 service. Thus obedience to the authorities does not dispense a Christian from examining what his responsibility is in a certain situation. And in the same chapter towards the end you find passages where it is said that Christians do not repay evil for evil or should not repay evil for evil and there are certain criteria. In this context one has to understand Romans:13 1 and 7 and in the discussion it became quite clear, we must be careful that this passage is not isolated from its context and that Christians are admonished what to examine under the guidance of the spirit as it is said in Romans 12:1 to 2 what their

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responsibility/..

responsibility is in a certain situation.

Would the effect of all that, would one be justified in suggesting that the effect of all that could lead to easier participation by members in for example non-violent action because they now have a different understanding of what justice is? -- The effects would depend on the situation. It could be very different too, it could be a different type of action too, that would depend, but the emphasis on the examination and testing a Christian in a certain situation what their responsibility is on a mutual consultation of Christians what they should do in (10 a certain situation.

You see I ask you that question as a result of something you said in your report submitted to the Justice and Reconciliation Committee on 17/18 March 1981. That is now the Director's report. I refer you to page 13 which says -

"In certain situations civil disobedience and withdrawal from co-operation with the State can be an obligatory aspect of the confessing of the Christian faith. Resolutions of this nature, however, can leave a Christian rather helpless. Which are the criteria according to which a Christian (20 is to decide whether he may or not obey a law. Is it possible to derive certain general guidelines on this question from the Bible which may help in a situation in which the basic principle of justice are denied."

And then you carry on and you say -

"Consideration of this nature has induced the Division to recommend a study Commission to be formed on the human rights issue."

Now it appears to me, just identify that paragraph please and the document? -- This is my report and here I refer to (30

the/..

the fact that jurists see a very similar problem as is seen in Churches and then I ask which are the criteria according to which a Christian is to decide whether he may or not obey a law. Here I point out that these criteria should not be taken from anywhere but from a study of the Bible so that you do not simply rely on your emotions or what your personal interest are or your group interests are and I think from a study of the Bible love to thy neighbour, love of the enemy including the enemy, is a valid criteria. I think this agrees with what has been pointed out before. Then, of course, there is an indication that theologians should discuss these problems together with jurists because theologians tend to be rather theoretical and jurists have knowledge of the difficulties of institutional problems in society. Nowadays in the Churches we have quite a lot ... in numerous areas we have realised that one has to use in the Churches the expertise of lay people with specialised knowledge in certain areas. Thus we have a study Commission in faith and ideologies where we use also economists, political scientists so as not to have theologians alone, but to get an input from the different disciplines and then relate our understanding of the gospel to their insights. (10 (20

One of the problems that your Divisions is experiencing is I presume and correct me if I am wrong, that the existing understanding and interpretation of Romans 13:1-7 is based on the two kingdom's theology or the popular theology in which there is a strict division between Christ and the world. Is that correct? Broadly speaking, not to become too technical please? -- The two kingdom's concept is a concept which one is accepted or is not accepted but one can find particular in Lutheran Churches and in other Churches you would find the same tendency (30

expressed/..

expressed in a different way and I do not quite understand now the question you are raising.

Well let me try to reformulate it. You have told us earlier about the fact that the popular theology that exists in South Africa sees the spiritual and the worldly as two separate items. Is it not also so that the present understanding, the "positivistic understanding" if I can use that phrase in inverted commas, of the question of obedience to the State is interpreted also in the light of this popular theology that sees this clear-cut division between God and the worldly matters? -- I do not think (10 that it is quite as simple as it has been described just now because very often you find groups in the Churches making use of this division between the secular realm and the spiritual realm or describe that in other terms, insisting very much on the particular political system and supporting that and every other system .... and emphasising obedience. Thus in that respect it is not a division. Thus you can have a combination where you say all the other groups what we say is what God wants this is an order you can speak about for instance about the natural differences between people of different backgrounds as (20 a divinely instituted order which has to be respected and to use that for the organisation of the State and at the same time say that Churches should stick to Church-life, they should not interfere in politics without realising that they themselves have a particular ideology where they do not observe that same division. I think an illustration is the police memorandum. On the one hand it says we have ... these are two different areas, but they have their own particular theology, their own view of the Church and which has to be respected by all others. Thus you can have a combination of both aspects. (30

Is there anything else you would like to tell the Commission about the workings of the Commission on Human Rights? -- I do not know what I should tell the Commission because the documents have been studied by the investigators and I think it is a Commission that should be able to do quite a lot of good work for the future.

The next .... is there anything ... is that all you wish to say on human rights? -- No.

If you then again refer to the sketch the next item we have is resettlement? -- Yes. (10

What is the type of activity that the Council is involved with with regard to resettlement? -- With regard to the different projects which are described here, resettlements is similar to the previous ones, Commission on Violence, Faith and Ideologies, Human Rights, resettlements where you have a particular Commission. In this case it is called a Task Force. Whereas the other topics on the other side, they do not have particular Commissions to work on. This Commission deals on the one hand with the removals that take place in our country and there are hundreds of thousands of people who are being removed. The (20 experience is that in many cases people who face or have to face the prospects of removal do not know what rights they have. Apparently there is very little possibility of preventing a removal by legal means, because the authorities legally have the right to remove them. But there are certain provisions of compensation which they can ask for and which they can insist on. Very often they do not know which the rights are they have for compensation. Also they have the right to see the place where they are being moved to and one of the tasks of this Task Force and the concerns is that people who are facing the threat of (30 removal/..

removal know what rights they have and what rights they can insist on. To make them aware of these rights, also to make them aware of the situation in which they might be coming if they are removed because there has now been repeatedly emphasis that enforced removals are to be stopped and that people should give their approval. But very often this happens that you have certain tensions within a community or you have on the one hand the Chief and people of the community and they often, it is not clear who actually gives the approval for a removal. The concern of the Task Force is that people know to which area are (10 they to be moved, what are the consequences, do they get land, will it mean that they no longer can take their cattle with them. Where are their work opportunities and that these matters are be made topics of negotiation. If the authorities want to remove them and that the authorities know that they cannot remove them without fulfilling the conditions for such a removal. Furthermore the intention is also to make public what happens. To have articles to draw attention to such removals and what removals have meant to people. How people have been uprooted as a result of removals. We could mention for instance what (20 happened in the Ciskei where people have been moved to a place called Frankfort which formerly was a German Settlement where a few farmers lived. The people have been moved there and they are facing very difficult situations. I think twice a week a lorry comes there and gives a family a bucket of water. There has been sicknesses, many people have died and we have the experience from many removals that in the first period the old people die, many old people die and many children die. It is a very moving experience to go to the cemetery in such areas and see what has happened in such areas. These are consequences of (30

removals which generally are not known to the public. They are sometimes not even known to Black people living in the urban areas and to White people. We think it is our Christian responsibility to draw attention of people to what happens and that happens in various ways. A further concern of this Task Force is to help people after they have been removed. If it is not possible to negotiate or to prevent a removal, then to assist people when they have been removed to a different site. Very often you have people coming from different communities now living together. The men are working in the cities are (10 . away and to find people with certain leadership qualities who can take up responsibility in a community, to develop their own initiatives. We have the experience that one cannot help such communities simply by pouring in money because you create dependencies, but should train certain people living in those communities for instance to start crèches; to start buying schemes where they can do bulk buying at a cheaper rate; to start clinics. Thus the work of this Task Force pertains to various areas: Before a removal, after a removal if possible to avoid a removal and helping people to take their own decisions. (20 We are very careful in the work of this Commission to respect the will of a community. If a community is determined to be removed I do not think it is our business then to .... well we have to respect what they want to do, but if they want assistance we give them assistance.

CHAIRMAN: Is the work which is done in this field by the S A C C is that done in collaboration with the Regional Councils of the S A C C? -- Yes. It is done in collaboration with the Regional Councils of Churches and with Churches in particular areas. It is also done in co-operation with other (30 organisations/..

organisations like the Institute of Race Relations which does similar work and we consult together so that we do not duplicate and see where we can supplement our services in that regard.

Is there some co-ordinating body which ensures that there is co-ordination by these various bodies who interest themselves in this field? -- This exactly happens in this Task Force. They simply come to these meetings, are invited to these meetings. We invite to the Task Force these organisations and they sent representatives.

MR VON LIERES: Just a bit of detail on what you have been (10 telling the Commission about. In the Justice and Reconciliation minutes of the meeting that was held on 24 and 25 August 1978 under the heading "Conscientisation work on local and regional levels within the S A C C" you discussed this particular aspect - this is on page 15 of that particular report and the exact wording is the following -

"Conscientisation work on regional and local level in the member Churches of the S A C C. In this area the selection of one or two of the most important topics which should be given priority at a given time would be most helpful and (20 is a necessary presupposition for achieving a greater impact. The J & R Committee decided that in the area of conscientisation work on the following two topics should be given priority until the next meeting. The homelands issue and the Group Areas Act."

Would you just confirm that please? -- Yes this is part of the minutes and this is part of the result of discussions with the delegates of the Churches in that Committee. They selected, they emphasised that these were areas where the emphasis should be placed on.

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The point is which you have made earlier that you are trying to create an awareness of the problems that are suffered with resettlement and was a decision by your Committee to so do? -- Yes.

Then in 1979 at the National Conference there was a resolution concerning this particular matter, not directly on the point of resettlement, but resolution number 7 which I now show you.

CHAIRMAN: Have you identified it? -- Yes. These are the minutes of the National Conference. I did not quite get the resolution. (10

MR VON LIERES: Number 7 at the bottom. -- Yes.

Would you perhaps just read it into the record? --

"The National Conference of the S A C C resolves that in view of the immediate national crisis which exists as a result of the dispossession of the people of the land through resettlement into Bantustans, the direction of the Government as illustrated in the Rickert Report which deepens the division between urban and rural people and seeks to perpetuate the according of all privileges to a few at the expense of many, the citizenship policy, the economic and social (20 policies which have created a situation of extreme poverty hunger to the point of starvation and hopelessness and which have destroyed the fabric of both family and community life for the larger part of South Africa's people, this Conference requests the Home and Family Life Division in conjunction with the Division of Justice and Reconciliation to organise urgently a series of regional consultations and practical programmes preferably through the regional councils of Churches to focus the attention of Churches, Government, power groups and people on the current rural disaster." (30

The circumstances of these resettlements were circumstances that were also covered in your report to the National Conference for 1979 on the heading "The homelands policy and resettlements."?

-- Yes.

In your divisional report? -- Yes.

You mentioned there that in co-operation with various institutions and organisations the Justice and Reconciliation Division has undertaken efforts to stimulate an awareness of the fact that hundreds of thousands of people are threatened by removals and resettlements in consequence of the homelands policy. (10

"Many of these people are removed to isolated areas in which they can find no work and in which the necessary preparations for resettlement are grossly inadequate."

Do you recall that? -- I think so. I would like to see it if I can. Yes.

Allright. That was part of your report submitted to the National Conference. The next item I would like to discuss with you on the resettlement matter is that which appears in the minutes of the meeting of the Justice and Reconciliation Committee for August 21-22, 1979. And here I would like to refer you (20 to page 4. Start at the bottom of page 3 please.

CHAIRMAN: I think he has read what you wanted read.

MR VON LIERES: Have you finished? Now you are discussing here in these particular minutes, you are discussing the implications of resolutions numbers 7 and 15(c) of the National Conference of 1979. Would that be correct? -- Yes.

Now 15(c) we have not referred to yet, 7 we have. 15(c) reads as follows -

"In view of the huge and complicated scale of removals and resettlements and the Churches' need for information and (30 interpretation/..

interpretation it is recommended that Dr Margaret Nash be asked to compile a dossier on these matters for study and appropriate action, both by the Council and by the member Churches. It is also recommended that an I C A fieldworker be released for an agreed period to visit the Thaba Nchu, Kromdraai area in order to work out suggestions how Churches could help with people living there."

That is resolution 15(c) of the National Conference. Would you like to read it or are you prepared to confirm it? -- I would like to read it. Yes. (10

Let us see what your committee decided how to respond to this particular thing. The first item which appears at the top of page 4 is that regional consultations were to be held on the question of resettlements? -- Yes.

And the homeland policy? -- Yes.

And information is to be provided so that the underlying intention of resettlements could be understood. Is that correct? -- Yes.

Then secondly, it was decided that efforts were to be undertaken to publicise and make known as widely as possible within (20 the member Churches of the S A C C as well as in overseas Churches the extent of the resettlements and the suffering and uprooting that caused. Is that correct? -- Yes.

Then it was also decided that data should be collected on the extent of the resettlements? -- Yes.

Then it was also decided that this should be Ecumenical co-operation in the different regions between the various member Churches of the Council in that particular region and that concerted action of the different local groups and Churches on a regional and national level should be aimed at in order to (30

mobilise/..

mobilise opposition to removals. Is that correct? -- Yes.

Then in connection with the mobilisation of opposition to the removals it is minuted -

"That the resolutions of the S A C C pertaining to non-collaboration with the authorities is of great importance and is to be implemented by organising and preparing a confrontation with the authorities."

Is that what it says there?-- Yes.

And as far as this organising and preparing of a confrontation with the authorities is concerned, the next passage (10 suggests that the Bakwena tribe north of Pietersburg which is threatened by removal in connection with the removal of that tribe concerted action should be planned as soon as possible. Is that correct? -- Yes.

Then the next point that is made in the minutes is that negotiations should be initiated with the authorities from case to case. The aim is to avert further removals. Is that correct? -- Yes.

You laid some stress on the fact that one of the reasons for the Task Force on resettlement existing is to ensure that (20 those who are to be removed know their rights? -- Yes.

That they can claim compensation and so forth and so forth, but here it appears that the Divisional Committee is simply interested to avert further removals rather than promote the rights of those who are threatened with removal? -- I do not think it is possible to separate the two completely because in many cases if the people know their rights the Government is not in a position to - rights of compensation - to remove them and that is part ... that protects the people. On the other hand there have been cases of very ... well cruel removals and here it is (30

said/..

said that the S A C C should withdraw from collaboration and preparing by organising and preparing a confrontation with the authorities. The idea was that in case such a removal takes place that people go out there and have a look at what happens there. Simply by their presence express their solidarity with these people who are to be moved and give attention to it, because very often these removals happen in a situation where people do not really see how people are being treated; the place where they are being moved to; under which circumstances they are moved. We have the experience that the authorities (10 hesitate to carry out a removal in public eye. We as Christians are under an obligation to make sure that what happens to people in this country is being seen and that causes confrontation - can cause confrontation with the authorities. I do not think we are allowed to avoid such confrontation because those people are people who belong - with whom we belong together and as Christians we have to take the consequences in such situations. This is meant by confrontation. On the other hand there is also an insistence on negotiations with the authorities. This confrontation is not something on its own, but it is to serve (20 negotiations with the authorities to stop further removals and such negotiations have taken place again and again. We have found out that a sensitivity on the part of the authorities can be achieved very often only if they know what they do is being seen. If we look into the Bible, in the New Testament particularly, you find especially in the gospel of Luke an emphasis how Christ sees people. People who are overlooked by others. I suppose if the Church is called the body of Christ, Christians should live in the world in which they are with the eyes of Christ and see people who are helpless and who become victims of such (30

measures.

Let us just look at the negotiations. What did your Committee actually say about these negotiations? It is at the top of page 5, paragraph 5. It says -

"Negotiations would only have a relative success if a removal that is being planned and the suffering it will imply has been publicised sufficiently in South African and abroad so as to make the South African authorities hesitant to do further damage to their image."

Is that correct? -- Yes. Should I give an explanation? (10

CHAIRMAN: I think you have done so. -- Yes.

MR VON LIERES: Then the next item is that when one organises - that is paragraph 7 - local or regional groups with a view to averting removals or resettlements, one should be careful that these local communities may have been infiltrated by informers and one should be careful that key persons in Churches may co-operate in the implementation of the homelands policy. Because of that the Committee then says -

"That support from outside groups and agencies will therefore be necessary for any effective action on the local and on (20 the regional level."

Is that correct? -- Yes.

"A common strategy then should also be arranged through discussion with Church leaders with regards to these resettlements and removals."

Is that correct? -- That is right.

Then following on that the Winterveld area is given as one of the areas in which these problems are being experienced? -- Yes.

And at the same time the Committee was provided with a (30 slide/..

slide-show on four resettlement areas and squatter camps which had been compiled at the request of the Division of Justice and Reconciliation? -- Yes.

The methodology that your Committee foresaw that should be employed is then firstly to gather information, to know who is to be resettled and when? -- Yes.

To find out what the attitude towards this resettlement would be? -- Yes.

That is the group that had to be removed. Then to provide publicity to this particular resettlement venture both locally (10 and internationally? -- Yes.

Thereafter commenced negotiations with the Government on various issues. These negotiations could have a variety of effects. They could be beneficial to those who had to be removed or were supposed to be removed. They could delay the removals, is that right? -- Yes.

At the same time, of course, the other leg was to organise the local and the regional groups to activate them so that effective action could take place in these attempts to effect the removals. In fact, if I remember correctly, just to (20 give you one example of this type of international publicity that you are referring to and how it takes place I could perhaps refer you to a letter that you wrote dated 7 November 1979 addressed to Dr Berglund of the Church of Sweden Mission in which you say to him, in the second last paragraph after stating the fact that the Makgota tribe had been removed you suggest to this Dr Berglund of the Church of Sweden that it would be helpful for people of the Batlokwa tribe if what has happened to the Makgota community could be publicised in Europe as widely as possible. One could hope that the Batlokwa tribe which has also been told that they (30

will/..

will have to move, might be spared in view of the concern of the SA authorities to have a good image overseas. "I am sending you a number of reports and newspaper cuttings on this incident and hope they will reach you. At the same time we are trying to send a set of 40 very good photographs to the foreign office of the EKD in Frankfurt. Possibly also a film that was made when the removals took place. The photo's has been paid for by the foreign office of the EKD and they have received the right from the photographer to pass on as many copies as they wish." Could you just identify this letter please? -- This is a letter (10 which I have written to Dr Berglund in Sweden.

Following on the Justice and Reconciliation Division's decision that resettlements should obtain publicity internationally as well as locally. You request him to see whether some publicity could be effected, is that correct? -- I do not know whether it is directly as a result, but it was simply as ... it could be this was in August 1979, this is 7 November 1979.

Two months later? -- Yes.

Why was this ... subsequent to this decision which we have dealt with now in which the strategy on resettlements and (20 the creation of awareness surrounding the resettlement problem has been set out, the Divisional Committee met on a number of occasions for example in September 1980 your minutes indicate that an inter-divisional Committee had been established and that the strategies to resist relocations had again been discussed as well as the internationalisation of the issues, the question of legal intervention, mobile forces, the identification of pilot projects and the creation or establishment of an emergency unit to be able to move to a particular area immediately. Do you recall that or do you want to see the minutes? -- I think it is better to (30

see/..

see it.

T15 THE COMMISSION ADJOURNS --- THE COMMISSION RESUMES

WOLFRAM KISTNER, still under oath :

MR VON LIERES: Did you perhaps have a look at the minutes of the Justice and Reconciliation Committee meeting, 30 September to 1 October, page 7? -- Yes.

And on page 8 the discussion takes place in connection with this work? -- Yes.

And right at the bottom of page 8 the suggestion was made that that Committee should obtain information from those Black (10 communities that successfully resisted or delayed their removals on the methods and strategies they employed successfully? -- Yes.

And some of these methods are listed, for example instances of delaying tactics through time consuming legal interventions, maximum publicity in the Press within the country and abroad. The publication and spreading of information, material et cetera? -- Yes.

So then perhaps you confirm these are the minutes we have referred to and we could perhaps turn to the next minutes which are March 1981, page 2 and there mention is made that a pilot (20 project had been started in the Ladysmith area in the community which had been relocated? -- Yes.

This pilot project was the aim basically to assist this community to get re-established? -- Yes.

Then if we could turn to the minutes of Justice and Reconciliation for 25 and 26 August 1981, page 9 paragraph 8.1. There the involvement of the Churches is again discussed namely equipping communities threatened by relocations to avert or oppose removals and assisting communities in coping with their situation where they had already been relocated. Is that correct? -- (30

Yes/..

Yes.

There is one other document I just wish to deal with and that is your report to the Executive, October 17-28, 1981. It appears that this inter-divisional Committee that was established was not a successful Committee and it was decided that a Task Force should be appointed instead of the inter-divisional Committee. Is that correct? -- Yes.

This suggestion was conveyed by you to the Executive Committee at its meeting October 27-28, 1981? -- Yes.

And you make the point here that -

(10

"Within the framework of the South African Council of Churches organisation a Task Force on relocation has been recently constituted. It has taken the place of the former inter-divisional Committee on relocations and it co-operates closely on relocation issues with organisations such as the Black Sash, the Institute of Race Relations, AFRA"

What does the abbreviation AFRA stand for? -- It is an organisation in Natal working on relocations. It does not come to my mind, I think the R will refer to removals possibly, removal of Africans.

(20

Allright, I continue the sentence -

"Surplus Peoples Project which are represented at its meetings and which participates in the decision making. The aim of establishing the Task Force was to promote participation of S A C C member Churches in work on relocation issues."

Is that correct? -- Yes.

Then there is just one other aspect and in your report in 1980 to the Executive Committee you report that visits have been undertaken by staff members to various areas in which Blacks are

(30

threatened/..

threatened by removal or have been removed and you refer to Winterveld, Batlokwa area, Groblersdal, Jan Kempdorp et cetera? -- Yes.

Does that take place regularly, these visits? -- Well ... (intervenes).

Possible relocation areas? -- Where there is a need.

Is there anything else you wish to inform the Commission on relocations that you consider of importance that has not been dealt with?

CHAIRMAN: Would it not - just to get the complete picture - (10 be useful to add in here the work which was done by way of publication of works on relocations? I have in mind the .. I think Dr Margaret Nash prepared a piece which was placed before the Commission on relocations. -- Yes.

Was that published in consequence of the work of J & R or was that independently of that? -- There was a conference as has been pointed out here there was a resolution one should co-operate with regional councils; there was a conference in Grahamstown and people from different parts of that area came together and that material was collected and that publication resulted from (20 that. "An empty table" and there was another publication too. I do not have the title now, also by Dr Margaret Nash.

Then have you yourself personal knowledge sufficient enough to inform the Commission on what is done by the S A C C or by regional councils locally to assist people who have been relocated -- Yes there are attempts to draw the attention of parishes close to relocation areas to the needs of parishes in relocation areas so that they can help one another. That happens in the Eastern Cape, it happens also in the Ladysmith area.

Then the question of group areas, does that - dealing (30 with/..

with group area removals - does that also fall under the general category of resettlements as far as the work of the S A C C is concerned? -- In the strict sense it does not because it is not so much related to the homelands, but we have been dealing with group area issues also like the shacks in Cape Town or the shacks in Orlando, but we did that always in co-operation with the regionals councils in the area. Thus the initiative is very much with the regional councils in the area.

Thank you.

MR VON LIERES: If you would then please just look at the (10 diagram in front of you. The next item is "Commission on Racism". -- There is no Commission on Racism, this of course is a topic which occurs again and again. But there is no special group working on the issue of racism. There was a consultation which was called by the General Secretary on racism. Later on there was a follow up conference and our division was asked to do that follow up conference. There is no continuous Commission working on the issue of racism.

This question of racism which has been pertinently placed on the agenda by the World Council of Churches Programme to Combat Racism. (20 What is the S A C C's view with regards to racism? -- The S A C C has emphasised again and again its rejection of racism. This has been discussed in the member Churches and I think you have from the member Churches' side quite a number of resolutions rejecting racism as sin and in some instances it is defined as heresy and the S A C C thinks on the same lines. Of course racism has been rejected in other countries as well. In Germany we have had the experience with the Jewish question.

CHAIRMAN: But I think you were asked to state what the S A C C does about racism? -- I understood what it sees. (30

What/..

What its attitude is? -- What its attitude is. The S A C C rejects racism but it does not only see it as an attitude but as something which comes out in action and in structures and it concentrates also on structures which are an expression of racism.

MR VON LIERES: In your evidence to the Commission you made mention of a particular document on page 17, if you have perhaps got your memorandum there? Page 17. -- Yes.

In the first paragraph on page 17 you refer to an unofficial paper "Response of the SA Council of Churches to the W C C programme to Combat Racism - a documentation." Could I just (10 show you a document. Is this the document you are referring to that I show you now? -- That is right.

Why was that document prepared? -- This document was first of all a preparatory document for myself. I knew that the General Secretary was thinking of calling a conference on racism and I myself had not an overview of the whole history how this was discussed and I wanted to trace what was the discussion in South Africa, how was it related to the W C C discussion to the programme to combat racism, how have they responded to it. This is a personal study paper and then I compiled this towards the end (20 I say in a note: The quotations in this paper and for the survey I made use of a German book and I tried to supplement it because I was afraid I am going into this Conference without knowing myself the whole background and I collected material for that.

The reference to the German study documents in the back - page 16 - ... (intervenes). -- It is a book.

Yes it is a book, but you relied on that book according to the note only for a certain number of years? -- Up to 1974.

Up to 1974. What is the date of that document on page 16? -- You mean the date of publication? (30

Yes/..

Yes. -- It is 1975.

No, no your date that you finished that particular document?

-- This was .... (intervenes).

7 November? -- The document .... my signature is 8 February 1980.

8 February 1980. -- I am not sure whether it was not complete before, but it was .... (intervenes).

Well that is when you dated it? -- Yes.

8 February? -- Yes.

I wish to draw your attention to the minutes of Justice (10 and Reconciliation for August 21/22, 1979, page 14 paragraph 19 in connection with this particular document. -- Yes.

I wonder if you could perhaps just read that paragraph into the record please? -- Paragraph 2 of section 19?

Yes. --

"That a preliminary report on the work that has been done by the S A C C should be sent to the W C C. This report could include also proposals for the future."

This was a committee decision that arose from the W C C inquiring what the various Councils have done in connection with(20 racism? -- Yes.

And this particular document that we have referred to, the response of the S A C C to the W C C's programme to combat racism was this document not used to serve as this preliminary report which was forwarded to the W C C? You will see in paragraph 1 of that particular decision the committee decided that a letter should be sent to S A C C member churches inquiring what their response to the W C C's letter was and the Council was not aware of whether the member churches had responded or not? -- Yes.

And as a result of that the decision was taken that a (30 preliminary/..

preliminary report on the work that has been done by the S A C C in connection with racism should be forwarded to the W C C? -- I could not give an exact answer to this because such correspondence would have gone through the General Secretary. I myself have not corresponded with the W C C on this and I cannot imagine that this would have been referred to this document because this was my own work. I know that this paper has been used at a conference on racism in South Africa as preparation for this reporting to the W C C, the General Secretary called a conference on racism. I suppose a report on that conference will have been sent to (10 the W C C. I am sure about this, I cannot see that this refers to this document.

Let us first see what happened to your study document response of the S A C C to the W C C's programme to combat racism. Your response was submitted as part of the documentation to the consultation on racism that was arranged by the S A C C and that took place in February 1980? -- That is right. This was in connection with the situation. The conference was called at short notice and I had to collect suddenly material which was available. There was not much material available and we (20 simply presented what we could get from the different Churches and this document was included.

What was the consultations' decision with regards to this document, the response. The consultation on racism? -- I do not remember that this document was discussed at all. It was simply information material that was submitted.

Did the material that this conference had dealt with - was this forwarded to the World Council? -- I cannot ... I do not know that because it would have gone through the General Secretary, but I suppose it will have been forwarded because this (30 conference/..

conference was called for that purpose and there was a report after that conference. I suppose they will have sent the minutes of that conference to the W C C.

Your research, your studies on what the South African Council of Churches had done in combating racism is set out in that particular document under 5 different headings? -- I think I see this in section 6 it is the response of the South African Council of Churches, but it also deals with the response of the individual Churches.

Could I just deal with this firstly on the basis that (10 this is a study document, your personal study document. In this study document you set out what you see to be the response of the South African Council of Churches towards the programme to combat racism, is that correct? -- As far as I remember it is a historic survey yes.

The first response you list here is the message to the people of South Africa, 1968. In that document basically the S A C C rejected apartheid as un-christian and unjust? -- That, of course, was prior to the programme to combat racism.

Yes that is quite correct. Then you deal with Arnolds (20 heim and then you deal with the response of the South African Council of Churches and firstly you mention on page 8 that the South African Council of Churches had interpreted the W C C resolution as a challenge to become active in the area of social justice in South African society. And this resulted in the establishment of the Division of Justice and Reconciliation. That is one response that you list here? -- Yes but I would have to make some comments on that.

Yes please. -- As far as I checked the documents of how the Division of Justice and Reconciliation originated, there was (30

a concern within South Africa to do something against racism along different methods as the Liberation Movements. There were overseas groups also prepared to support efforts of this nature. Thus in one way it was a response to the concern that something be done against racism, at the same time a desire to do it along different ways and therefore there was money made available for Justice and Reconciliation work within the country.

I think of the documents of the Council indicate that there was initially some opposition towards the establishment of the Division of Justice and Reconciliation in view of the fact (10 that the SPROCAS 2 programme had been decided upon. Do you recall that? -- I do not remember that, I was not there, it would have been in the documents.

Allright. In any case let us just then look at what you yourself say on page 8. I read to you -

"The decision of the Executive Committee of the S A C C to establish a Committee of Justice and Reconciliation and a Division of Justice and Reconciliation initially on a three-year basis has to be considered as a response to the W C C resolution at Arnoldsheim, 1970." (20

Right? -- Yes, I cannot remember exactly the details. I would have to check that.

Yes I will show it to you just now. The second response that you list by the South African Council of Churches to the World Council's programme to combat racism is the resolution on conscientious objection, 1974 Hammanskraal, page 9. The third response you list on page 11 is the foreign investment issue. The fourth response relates to the just rebellion and the violence issue and the non-violent actions. The concept of obligatory resistance as a response and then you list a question on (30

fundamental/..

fundamental change in which you say that the resolutions of the National Conference on Strategies of Resistance was taken at the time when the Government of the Republic had already announced that it would introduce far-reaching changes in its racial policies. This is listed as a response and then you come to your conclusion and you say -

"The S A C C and its member Churches have responded in various ways to this particular programme. They have not succeeded in removing oppressive racial structures in South African society. The world-wide efforts to combat (10 racism, however, have had the effect that the SA authorities are changing their strategy so as to make racism not so easily discernible to outsiders as it was before."

Will you just confirm that these were the main themes of your response of the response that was prepared? -- I think this is partly correct, but in this paper I also describe a hesitation on the part of the member Churches of the S A C C and of the S A C C itself to respond initially to the Programme to Combat Racism and I describe a process how this changes in the course of time. Moreover as has been pointed out already the mes- (20 sage to the people of South Africa was formulated before the Programme to Combat Racism started. Thus in speaking about response one should not overlook that there was already concern for combatting racism within South Africa before the time.

Yes I think it is quite clear that the message which started in 1966 and was published in 1968 was dated before the P C R was announced. -- Yes.

That programme was only announced in 1969 I think. That is a historical fact. -- And there was a response which changed in the course of time. Initially there was quite a lot of (30 opposition/..

opposition, criticism of the Programme to Combat Racism within South Africa in the Churches and that changed in the course of time. I think that is indicated in this paper. The response is at the same time, its initiative coming from South Africa and then initiatives coming from outside and then some dialogue on this. Thus in a certain way it is response, but it is the response on different levels and of different nature.

Anything else you wish to add on the topic of racism as dealt with by the S A C C? -- I think all the documents are at your disposal. (10

Then we have listed another topic on the diagram which is changed strategies. Would you deal with that please? -- There is no special group working on this. You get this term in many papers, documents, you get quite a lot of input from different people on what they consider to be change or not to be fundamental change and this, I think, happens in various divisions. In our division we did not have a special group working on changed strategy and I think some of the main points have been indicated already in this discussion.

This would be a general term applicable to the various (20 actions of the S A C C in support of its contribution to fundamental change. It is an ongoing thing?-- I think you find it in speeches of the General Secretary, you find it in minutes of other divisions as well.

I think we can then deal with labour. What would you like to tell the Commission about your activities in respect of labour? -- For this division also there is no special committee. The question of labour has come up in different contexts. There have been in cases of strikes, people who concerns about the families who needed support and such applications mainly (30

went to the General Secretary because he disposes over the funds. There have been applications for support of certain projects, this would go to the ICA - Inter Church Aid - and in our division we concentrated mainly on first of all considering the whole question of the Church and labour and work. Not much work has yet been done on that - theological work - on the whole question of work, on the right to work, on the right to withhold your workpower and also on labour organisations. There are different labour organisations in this country with different approaches and we saw in the labour developing, labour movement, a move- (10 ment which aims at participation in decision-making processes in labour. We considered that to be a valid movement and our concern was to make the voice of these movements heard and people in these movements heard, particularly since labour movements or labour leaders have often been persecuted. Furthermore we collected material on ... well we tried to promote certain people in the Black community to become, to get experience of labour issues; to be trained as mediators but the practical work we did not do ourselves because there are institutions dealing with this like the Agency for Industrial Mission, the Wilge - (20 spruit Fellowship Centre. We did work on that and we also tried to bring into the South African setting work on labour issues that has been done overseas. The question of unemployment is a very important issue. Recently we have tried to do - also to promote work on the whole questions of technology because usually you get the impression with the growth of industry more and more people get work and in this country also then repressive structures get alleviated. It is not necessary the case because technology can produce unemployment. We tried to work on that too and also on the question how one can make the Government (30 and/..

and industry aware that the best possibility of peaceful negotiations in economy is negotiating on a equal level. For instance we had when the mine strikes took place - I think it was last year, a year ago - we got a person who is a Roman Catholic who is very close to the people there and reported about that strike that the difficulty was that the mine management was completely helpless. They did not understand what happened and on the part of the mine workers, there was nobody to represent them. We tried to create an understanding also with management that for good relationships you need a level of negotiation and for (10 that purpose you need negotiation. That negotiation is possible only if workers are organised and very often the whole concern about organising Black workers is understood as something inspired by communism and this is not at all necessarily the case, not at all the case I would say, but simply a concern about peace; about participation in decision-making processes. We also did work on the whole question of codes of ethics and emphasised the whole trade, the recognition of trade unions. A principle of recognition of trade unions in that respect.

Perhaps I would like to deal first of all with the (20 question how the S A C C or rather the Division of Justice and Reconciliation obtains its information on labour matters. In this connection the role of Mr Manthata, Mr Tom Manthata is set out in some detail in various documents that you prepared that we dealt with already - those documents you submitted in 1976 to the Executive of the National Conference and so forth, you recall that? -- Yes I do not recall the details but I recall Mr Manthata being involved.

Could I perhaps just refer you to one or two of these? On page 2 of the document that you submitted to the Executive (30 Committee/..

Committee in June 1976 you set out some of Mr Manthata's functions under the heading "Labour unrest, detentions, trials".

You say -

"Mr Thomas Manthata's close contacts with Black workers, workers organisations with young people and students, have been of inestimable value during the past few months.

Whenever labour unrest erupted in the Witwatersrand area he was at hand to advise and help affected people and families."

Then as far as depression areas are concerned, I suppose ... yes, you say - (10

"Mr Manthata had paid a visit to a depression area near Ladysmith and obtained reliable information, data gathering for a list and for a description of the depression areas in different parts of the country will still take some time."

So Mr Manthata first of all was a member of the staff of the South African Council of Churches? -- That is right.

Was he exclusively a member of the Division of Justice and Reconciliation or did he also function on behalf of the Dependents' Conference? -- His main task is at present in the Dependents' Conference and only occasionally he comes into the (20 Justice and Reconciliation Division, but he works for both divisions. Particularly if there is some special occasion because of his links with the community we get information on that level apart from the level .... from other information which we get through specialists on labour issues. This is information where you have families who have to be visited or a person going through a certain crisis point, informing us what people say about the situation there and their experiences.

Let me just deal with one other aspect of Mr Manthata's work, this is set out in your report to the National Conference for (30

1976 on page 4 you say -

"Mr Manthata has attended a considerable number of consultations and meetings and given addresses. His contacts with young people are a special asset to the work of the S A C C."

-- Yes that is right.

You confirm both these minutes, both extracts? -- Yes.

What sort of consultations did Mr Manthata attend, what sort of addresses did he give and so forth? -- On our behalf we asked him to go to specific areas and report back on what he observes in a certain area. Here for instance I see he has been (10 sent to Hammanskraal and investigate the school situation there. He has other functions also in the Soweto community but we are not responsible for those.

He is a secretary of what group in Soweto? -- He is a member of the - I think he is still a member of the Committee of Ten, but we are not involved with that.

Mr Manthata is then one of your information gatherers on labour and trade union issues and so forth? -- He is one of the information gatherers at a certain level, because of his links with people. We have other information gatherers, we get (20 lecturers - university lecturers - speaking to Justice and Reconciliation Committees or other Church gatherings on labour issues and we have done that quite often. Get a specialist on labour issues to inform us what happens there.

Are his reports of great value to you? -- Well they are of value to us.

I would just like to show you one or two of the type of reports that were found in the files of the Division of Justice and Reconciliation by Mr Manthata. Could you just have a look and identify them please? -- I do not remember having read (30

this/..

this or it does not come to my mind but I remember that he has visited that area and I think it was at our request.

There are various reports on various strikes reflected in those documents. Perhaps you can just give us the various strikes, what is the first one? -- This one is the Volkswagen.

That is down in Uitenhage? -- Cortina. Here is a visit in Port Elizabeth.

Could I just have the document please? -- And as far as I can see Mr Manthata here reports what people have told him and in our reports I think it is also recognised from the Justice (10 and Reconciliation reports we simply write down what people say. I think that is in some respect in accordance with what the police say we should be concerned about the grass-roots. We simply allow people to say what they feel and what they experience. I think that is the case there too.

Some of these reports by Mr Manthata also concerns the status that the local Church enjoys in the eyes of the workers and the strikers? -- Yes.

In connection with the Pepco strike, that is the Port Elizabeth Black Civic Organisation, Mr Manthata reported back to (20 you that the Church, down in the Port Elizabeth at least, like in other areas is completely divorced from workers on the strike scene. Did this cause any consideration, re-think on the part of the Division? -- I think in a certain way it did. First of all we noticed that Churches in general are far removed from the workers and we have had investigations for instance where parishes quite close to migrant workers' hostels do nothing, know nothing about them. This is a general concern that Churches are far removed from the situation of workers. With regard to strikes we felt it very difficult sometimes to find out what (30

is the reason for the strike. Also when people came wanting assistance for their families, are there certain criteria which one should apply because the Church has to get reliable information on what is actually happening on the scene. That is a difficulty, but it is true that in general the Churches find it difficult to have not good contacts with workers.

Is Mr Manthata dispatched to a strike scene as a result of requests that the Council receives to support the strikers there or how do you decide whether somebody should go and inspect a particular scene where a strike is on? -- We have had occasions where we received very bad reports, but not necessarily requests and then we wanted somebody who can contact with the people - contact the people to go there and find out what is happening because we felt that the newspaper reports were not adequate. (10

Is Mr Manthata also instructed to report to the Council or to the Division then? -- I suppose that paper is such a report.

Yes. I am now asking you whether Mr Manthata is also instructed to report back to the Division or to the Council on the question whether funds should be made available to strikers and their families to support them or not? -- I think that that would be the case that he would have to report in any case. I do not remember who sent him there, but in the case of funds he would have to report to the General Secretary because he deals with funds and the General Secretary then decides whether his report is valid and applies his criteria. (20

Let us just deal with one example here. In connection with the Volkswagen motor strike on 2 and 3 July 1980, Mr Manthata was sent down and he had a meeting with the workers and FOSATU officials and he reports - (30

"At this stage the workers that are still striking are concerned about the steady trickling of workers back to the plant. The workers had already decided on a delegation to the S A C C for financial support from Bishop Tutu. Without attenuating their financial crisis I stress the moral leadership which I found to be a great threat for the unity and leadership."

He then says -

"I maintain that there shall be no point in asking for funds when already the workers are going back and there was (10 not even a hard core that they depended on."

So it appears from this particular paper that unless the strike is continuing, he would not be inclined to recommended financial support? -- I do not remember how this was reported back. I do not think I was present, this would have been a discussion with the General Secretary, but I know that the General Secretary in taking such decisions takes account of the situation of the families who are affected. I do not know how he responded to this report.

Would you perhaps be aware of .. let me just ask you how (20 the system now works. Mr Manthata comes back and he reports on a particular strike situation. Let us assume he recommends that financial support should be provided for the strikers, does his report-back go through your Division with a recommendation to the General Secretary or does it go directly to the General Secretary or how does this work? -- It does not go necessarily through my Division. If I am present I have to travel quite a lot. I think he would report to me, but it can happen that the General Secretary in a crisis situation sends him there suddenly and he comes back and I did not receive the report (30

possibly/..

possibly because I was not present at that time. But he usually would tell me about what he has experienced.

And would you then, in those cases where you are available, make a recommendation to the General Secretary to provide financial support? -- If the General Secretary asked me.

Yes. Have you done so in the past? -- There has - I remember occasions where I have done that. But there has also been other occasions where it did not come to my attention.

So this is one method of obtaining information on labour matters and taking decisions whether such workers should be supported or not. (10 What is the interest of the South African Council of Churches in the trade unions and the workers? -- First of all I would think that trade unions are a way, an organisation which try to voice the feelings, the demands, the experiences of the workers. If the Council of Churches is concerned about making the voices of people heard about an encounter between peoples in authority and workers, it has to take account of the needs of the workers. Particularly those workers who are migrant workers find it difficult to express themselves. That is one of the ... must be a concern (20 of the Council of Churches. Moreover, but I think that is a different topic.

No I asked you why the Council is interested in trade unions and workers? -- Because this is one of the possibilities of making authorities aware what people experience and the great part of the Black community are workers. If you look at the police report, they are so concerned about grass-roots. Do people in authority really experience here what people say and what they experience. This is the concern of the Council to bring this to the attention of the authorities and also to enable the (30

workers/..

workers to put their demands. The Council itself does not take, has not the task to identify with any or compete with any particular trade union, but it is concerned that people involved in the national life and economic life meet on an equal level and see justice as a common responsibility and emphasise that justice cannot be obtained if the one group has all the power and the other group has to accept the decisions of those who are in power without being participating. Neither justice or peace can be insured in that way and therefore the Council is concerned that these different groups, institutions meet and (10 decide together. You can only have collective security and you can only have collective peace.

Does the Council also see labour organisations and trade unions as instruments that can affect the change that the Council desires to be effected in South Africa? -- I think the Council in general, the General Secretary would have to speak on behalf of the Council as a whole, but the the Council as a whole as I see it would have the task to get all groups of people together and to see that they mutually depend on one another. If the authorities accept trade unions as such an instrument, (20 that is a contribution.

Labour is something that falls directly in your domain as Director of the Cluster of Justice and Society. Apart from the concern for the individual, do you see as Director of Justice and Reconciliation ...? -- I see it simply by the name of my Division, Justice and Reconciliation that we have to be concerned about labour. But as I pointed out the same issue also falls under other divisions.

May I ask you then what your view is, do you see labour as an instrument in effecting change in South Africa? -- I think (30

so, it is. If it is respected.

In one of your very earliest letters after becoming the Director of Justice and Reconciliation, you wrote to an American - Rev Knudsend - and you say to him ... this letter is dated 15 January 1976, you said to him -

"Special attention will have to be paid to the possibilities of industrial and labour organisations to effect change."

Could I just ask you to identify the letter? File D,

3.2. -- Yes it is my letter.

Sorry, I just want to get it back because these are (10 originals and I have not photostated them. What did you have in mind when you conveyed this thought to the Rev Knudsend of the American Lutheran Church that special attention has to be paid or will have to be paid to the possibility of industrial and labour organisations to effect change? What was it that you were trying to say? -- This was at the beginning when I started my work, I did not point out details and I do not think I would have been able to do that at the beginning of my work in the S A C C. According to general experience the labour movement has played a very strong role in democratic development (20 in Britain and if you look towards the history of Britain many of those first labour movements came from the Churches and the labour leaders, some of them were lay preachers. Thus I think that I did not have more in mind at that stage, I did not know the details of the labour setting in January 1976 because I had not paid sufficient attention to it. But we are an industrial country and I think that is evident that that is an important aspect.

In later years, in 1981 to be exact, during your August meeting the point was made that trade unions apparently appeared (30

to/..

to be one of the most important agents of change at the present. Could I just show you that, Justice and Reconciliation minutes 25/26 August 1981 page 11? -- Yes.

How do you envisage then, this is now about five years after your first tentative letter to the Rev Knudsen and I am sure you have cristalised your thoughts out by now. How do you envisage the trade unions and the labour movements to become important agents for change? -- I think that in our setting, particularly since we are involved, we are concerned that we get relatively peaceful change as far as that is still possible. (10 There should be an insistence on negotiations and in the labour movement and the whole economic era we realised that there seems to be a possibility now of getting to a level of negotiations. Some of the industrialists and economists appear to realise that on the long run they will have to rely on co-operation with their workers. This is a grass-root movement where people organise, express themselves and that the Church therefore should be concerned that this is being taken account of and the Churches show an interest in this.

I am not quite sure that I understand you. Could I (20 ask it to you slightly differently. The Council does not hold out much hope that negotiation will affect the fundamental change it deems necessary in South Africa. That is one of the reasons it has decided to institute non-violent actions of various natures, the detail which we do not need to go into. Now if the S A C C is of the view that the success of negotiations is very limited, I mean you will recall this morning when we dealt with resettlements we had an example that there is very little chance for a negotiation to succeed unless massive publicity and so forth has been created. If the S A C C doubts the (30

value of negotiation as a means of effecting fundamental change and in fact has opted for non-violent actions, how do you see that negotiation by the trade union or the worker is going to contribute to fundamental change? -- The negotiation usually, a preparedness for negotiation usually is only achieved if you have somebody whom you need. Thus you can use pressure in order to achieve the preparedness for negotiation. If all power is on one side usually you do not have a preparedness of negotiation. Within the trade union movements you find exactly that, that they exert pressure and then the people who have economic power realise you need these people and then there comes negotiation. I would think with resettlements what we spoke about resettlements was exactly the same. Exert pressure in order to get to negotiation. If no pressure is necessary this is even better. In the trade union movement you could gradually get development where there is this negotiation, need of negotiation has become internalised by both parties.

The type of pressure that you envisage that the trade unions and labour organisations can exert, what type of pressure are you referring to. Is this now strikes, boycotts and so forth? -- They can withhold, I think it is a general accepted human right to withhold your labour and that is recognised widely in different countries, if you feel that your concerns are not respected. (20

Withholding labour, is that different from striking? -- It can be a strike.

Strike I suppose one should understand as a concerted action by a number of workers in a particular concern? -- Yes.

And withholding labour can that be something that the individual can do by just not turning up? -- It could be the case/.. (30

case too yes.

Apart from withholding labour, what other types of actions could they undertake that would create pressure? -- First of all they could consult with one another. It may be that they have completely unrealistic demands, thus they need to have some training how to understand the whole process of negotiation, the dynamics of a firm, of relationship between management and labour. They must also be able to see the problems management faces. I think that all is part of this concern to get people to negotiate with one another. (10

Does the S A C C - is the S A C C seeking the trade unions and labour organisations to exercise this type of pressure? -- I think they do it on their own.

Do you want them to exert this pressure or not? -- We would like-.... I think the Church has to be very careful not to take the initiative because to get the authorities to respect people if there is such an initiative and I think these workers show that they want to negotiate, that they have their demands.

Let us just deal with one or two strikes in which the S A C C , or labour disputes then in which the S A C C became involved in. I think the very first one that the S A C C mentions is the Fattis & Monis dispute? -- Yes. (20

Which is also reported amongst others in the Asingeni Relief Fund report number 19? -- Yes.

The S A C C states that it arranged for negotiators, somebody from Cape Town and it acted as a mediator and eventually solved this particular strike. Do you recall that? -- Yes.

At the same time, of course, the S A C C was also providing financial support for the strikers whilst they were (30

negotiating/..

negotiating? -- Yes.

Could I just read this to you. On page 2, the Asingeni Report number 19 says -

"Asingeni provided financial assistance to the workers whilst they were out of work and this helped to maintain their solidarity at a crucial period."

And this is relative to the Fattis & Monis strike. Do you recall that? -- I know that they got support here.

This financial assistance came at a crucial period and succeeded in maintaining their solidarity at a crucial (10 period. If this financial assistance had not been forthcoming do you think there would have been any reason to negotiate between the workers and the employers or would the people not have gone back to work in any case? -- I think this is a very difficult questions because on the one hand the Council has to be concerned about the situation of the families if the men strike, but it is of course obvious if the families can get support they can hold out for a longer time. In a normal situation in other countries trade unions have their own funds to maintain families. This is not possible in this situ- (20 ation, thus if you do the one it has the effect that it also strengthens the people in putting their demands. I think you cannot avoid that both go together.

I am not quite sure that I quite understand. I get the impression that because money was supplied to the strikers, the strike dragged on for longer than it would otherwise have been if there were no funds available? -- I suppose that the reading of that text means that if the families would not have been supported the workers concerned might have been very worried: how can I maintain my family? (30

Let/..

Let me show you the text? -- Yes I interpret this passage as follows: That there was a solidarity among the workers but the families, they had to provide for their families and this solidarity could have been broken if some people simply because they felt their families were unprovided for, felt that they could not stand this any longer, and would then have gone back to the factory without their demands which they had decided on in solidarity being taken account of.

So it could have been if the Council had not provided funds, that no mediation may have been required. The strike would (10 have ended? -- I do not know that, but I know that Bishop Tutu had offered to Fattis & Monis, had offered mediation and as far as I remember Fattis & Monis was not only affected by a strike but also by a consumer boycott which was perhaps just as serious.

This Asingeni Report is also important in another respect. Perhaps we should deal with it now, because I want to ask you whether a deliberate decision was taken in connection with labour. In this report the donors are advised that the mandate of the S A C C then specifically this fund Asingeni, tacitly involved assisting the victims of the apartheid system and to empower (20 the powerless in their liberation struggle against the totally unjust and immoral system prevalent in the country. And it goes on -

"We are now making this tacit commitment more explicit in the assistance that we have been called upon more and more to provide."

Was the question of expanding the mandate of Asingeni to include support for labour unions and trade unions and so forth, was that discussed with you? -- I do not remember this, this is an area which I was not involved in. I think the General (30

Secretary/..

Secretary should be asked about this.

Do you know whether in fact the South African Council of Churches had been approached prior to this decision as reflected in report number 19 for assistance in the labour and trade union fields? -- I am not informed about that.

The next reference to labour we then also find in Asingeni Report number 20 and here we now get the report that there was unrest in the textile industry, labour unrest in the textile industry in Natal; in the motor industry; in the meat industry and that the S A C C tried to intervene in the meat dispute (10 as they had successfully mediated in the Fattis & Monis dispute, but the offer was turned down. It also says they were asked to give relief to the workers as they have done with Ford, with the Ford workers. This information, was this information obtained by your Division and passed on to the General Secretary for action or how did it work? -- I do not remember that this passed through my Division. It may have been that I was not in the country at that time and I would think it would have gone through the General Secretary, but I am not sure.

Let us see how this interest in trade unions and labour (20 developed further. The next thing that happened was that a meeting with trade unions was held at Khotso House on 14 August 1981? -- Yes.

Do you recall that meeting? -- Yes.

There were some 12 or 13 representatives of various organisations present. AZAPO was presented by Mr Wauchope and Mr Lengane. These purport to be minutes of a meeting between the S A C C and trade unions held at Khotso House. Is AZAPO a trade union? -- No.

What were they doing there then? -- I do not know how (30 they/..

they came in there.

Then we had the Black Allied Workers' Union who were represented. The Council of Unions of South Africa - incidentally is it correct that the Council of Unions of South Africa, abbreviation CUSA, is a split ... is an organisation formed as a result of splitting away from FOSATU? -- I have read that at some place, but I am not sure whether it is correct.

Then there is another organisation GWUSA, I suppose that is the General Workers Union of South Africa, they were represented? MACWUSA was represented and various other trade unions. (10 MWASA was there, that is the Media Workers Association of South Africa and the WPC, that is Wilgespruit Programme something - I will find out the name later - Mr White represented them. Let us see what was discussed here. The General Secretary opened the meeting and explained the purpose of the meeting saying -

"That the delegates were to consider new labour laws which were still being debated in Parliament and the meeting had to decide whether all present agreed on the unacceptability of that law."

Then a delegate who attended the meeting asked about the (20 involvement of the Church in the whole question and you were requested by the Chairman to respond. You responded by saying that because the law would affect basic human rights, the Church had to be involved. Could I just ask you to identify the minute? -- I was present at this meeting, I did not ... the minutes are not signed, but I suppose they will be the valid minutes. Should I respond?

Yes. -- In this meeting the concern was to have some clarity about the Church and the trade unions because the Council of Churches got approaches from different trade unions and their (30 understanding/..

understanding among one another was very different and here you have got quite a number of trade unions and we wanted them to express what do you really expect from the Churches, how does the Church relate to your concerns, because they are so much divided. Also to say where the Church could help them and where it could not help them. That was the interest of ... that was the concern of this meeting. My specific, the sentence which is underlined here, I said -

"Since the law would affect basic human rights, the Church had to be involved." (10

I think I said as far as I remember, that the trade unions have a basic human right and have the right to emphasise basic concerns I also said the right to withdraw one's labour is a basic human right. I remember that I said that at that meeting.

Before these laws were passed, the position was that these Black workers could not form a trade union, is that so? -- I do not think they could not form a trade union, they could not be registered as a trade union.

They could not be registered and could not negotiate? -- Yes.

They could in terms of the new law be registered if they wished? -- Yes but the views on registration are very different among the different trade unions. (20

You say this new law that allows them to be registered if they want to be registered is denying them rights that they had previously? -- The sentence is understandable ... I cannot understand this sentence from the minutes. I did not do these minutes. I do not know, it says here -

"Dr Kistner said since the law would affect basic human rights ...."

it does not make much meaning and I cannot recollect exactly (30

what/..

what I said, but I said the workers have basic human rights about which the Churches are concerned and one of those was to withhold one's labour.

You will recall that in your ... in the investment booklet that the Division of Justice and Reconciliation submitted to the National Conference in 1977 and that was sent overseas, one of the demands listed there was the right of Blacks to access to trade unions and to equal pay and so forth. Do you recall that? -- Yes.

This law now apparently gave them the right to set up a (10 trade union if they so wished? -- Yes.

It would therefore meet that particular demand that was listed in your 1977 investment booklet that was missing? -- Yes.

So instead of a denial it would then be an acceptance of that particular human right? -- Well it depends very much on the type of legislation.

Yes, and what do you say was the type of legislation in this case? -- I can only say how certain Black trade unions understood this. Some of the Black trade unions understood the way in which the legislation was formulated as an effort on the (20 part of the authorities on the one hand to admit trade unions, but on the other hand also to control them. I think that pertained particularly to the way in which the right of strikes was defined and others saw it differently. Others saw it as a possibility which one could make use of.

Have you gone through the minute? -- Not completely. Yes.

The main points of the minute would be that the trade unions had questioned the relevance of the Church in the labour struggle; that the representatives were given an explanation that the Council had helped strikers in the past and that on the whole (30

question of justice in South Africa the Church was involved. It was also - if I can summarise the minutes - explained to the delegates that the Government basically wanted to control the worker and that the Church should stand against legislation directed against the worker. It was then also indicated by the General Secretary that the Church had a task to mobilise and educate the Black worker. That was the one aspect, would that be more or less correct? -- Yes.

Then a suggestion was also made that the Council should play an umbrella role in connection with bringing together of all (10 the various trade unions? -- Yes.

And how did the Council respond to that suggestion? -- These minutes simply express what was said there, but I personally I find that a bit unrealistic expectation because the trade unions will have to achieve their own unity. The Council cannot do it for them.

CHAIRMAN: Who convened this particular meeting that we are discussing now? -- It was convened as far as I remember, it was convened by the Churches.

Which Churches? -- By the Council of Churches. (20

The S A C C? -- Yes. Because of the very different expectations which were directed towards the S A C C.

Why was AZAPO invited to attend? -- I cannot give an explanation for that.

Could you tell me something about AZAPO? -- Well it is an organisation which has .... (intervenes).

What is that an abbreviation for? -- Azanian Peoples' Organisation. I think it has certain traditions which go back to the Black Consciousness Movement.

Who on behalf of the S A C C was responsible for (30  
arranging/..

arranging this meeting? -- As far as I know it was the General Secretary who had called for the meeting. I am not quite sure, or myself, but I could not .... I may have signed the invitation. But I think it was initiated by the General Secretary.

MR VON LIERES: Did you prepare any agenda point for this meeting? -- At least no .... (intervenes).

This was something that usually fell within your domain? -- Yes. I do not think we prepared an agenda. I have no remembrance of an agenda. The primary concern was to hear what they say. (10)

Did this meeting mark a sort of a starting point for a stronger relationship between the Council and some of the trade unions? -- I could not say that. There has not been a meeting of this kind later, it has not been followed up.

CHAIRMAN: Why were these particular unions invited and not others? -- I think there were more invited than those who are represented. Some of them did not .... (intervenes).

What was the criteria on the basis of which particular unions were invited to attend? Which trade unions fell in the category of those who were invited to attend? -- They were (20 Black trade unions. I do not think TUCSA was invited, but I would not be able to say. I would think they were what you can call trade unions which emerged since 1978, new trade unions apart from TUCSA. But I cannot remember the details.

MR VON LIERES: The importance of Black labour was clearly realised by the Council. I mean if we look at the report, Asingeni number 23 for September 1981 which is approximately a month after this meeting, we find on page 2 under the heading "Labour unrest" we find the following -

"The Black trade unions have shown their muscle and their/.. (30

their militancy. They have refused to be confined only to labour issues pointing out that politics is all pervasive and that they could not divorce themselves from community issues. They are the most significant force for reasonably peaceful change and Government is aware of this and the latest labour legislation is aimed at emasculating the unions and controlling them rigidly. The outside world is hoodwinked if it thinks by recognising Black trade unions the Government has begun to liberalise apartheid. It has done nothing of the sort. It realised that with the (10 interest of multi national corporations in the work situation it had to do something. Legislation will attempt to undermine the unions and curb them. The Black unions have said that will defy any laws that intend to turn them into toothless bulldogs and the S A C C has said it will want to be supported. I hope our friends will be generous in money donations because these unions have no strike funds and the Asingeni Fund has assisted in giving relief to striking workers whose only effect or weapon is the right to withhold their labour. They will not be able to do this for (20 long unless they are supported. We have done a bit of this."

Will you just ....? -- This is the Asingeni Report. I do not see who gave this report according to language it is not myself and I was not in this meeting. I do not think I have .... I did not say this and I do not know who said it. I would think that this question would have to be put to Bishop Tutu because he has to do with Asingeni.

CHAIRMAN: What is the number of the report? -- 23.

MR VON LIERES: This was provided to the Commission by the (30 Council/..

Council as an official version of that particular report. -- Yes but I .... (intervenes).

Well it does not matter who wrote the report, we know that the General Secretary normally issues the Asingeni Reports, is that correct? -- I think so yes.

The point I am getting at, in that particular document, the section that I read out to you, one gets a clear impression that the concern is to keep the strike going on and on and a special appeal is made to the overseas donors to provide more funds? -- As I said I think on the text of this, the speaker of this (10 report would have to be addressed but I never understood this the task of the Council to encourage a strike to go on and on. What we were concerned about in our Division was to simply draw attention to the situation of labour. To collect as much information to encourage, try to help people to get training. We invited into our meetings people specialising on labour issues. We invited people from certain situations like the mine workers strike reporting and then consulting on what we could do in that situation. It is a fact that in other countries trade unions have collected funds and therefore are able to stand through (20 a strike if they want to. I think this is what the report refers to.

Please read it again, that thing, by yourself and bear in mind that the question I am asking you is whether the clear wording of that report is not or does not express a concern to keep a strike going on and on and on. -- It says -

"The Black unions have said they would defy any laws that intend to turn them into toothless bulldogs and the S A C C has said it will want to be supported."

Thus this applies to specific legislation which tries to (30 strangle/..

strangle the - according to these views - tries to strangle the possibilities of trade unions. If in that case they defy the S A C C would be supported. I read it like that.

And the first part in which the trade unions are described as having muscle, being militant? -- Yes and they have pointed out that politics is all pervasive and that they could not divorce themselves from community issues. They are the most significant force for reasonable peaceful change.

It is a matter of interpretation and the Commission must make up its mind how it wishes to read that. You have not (10 ignored the appeal to the donors for extra funds to keep the strike, to get some money? -- Yes that is in there.

During 1982 in your submission to the National Conference you have also dealt with the labour issue on page 10 of your report to the National Conference. I hand you the Divisional Reports that was submitted to the National Conference, could you just identify that as such? -- Yes.

And you say there - perhaps you could read that bit on the labour issues on page 10. This is now your Division's view on the matter. -- (20

"Particularly in the last few years the Black workers and the Black workers organisations have proved to be the most powerful forces pressing for change in the South African situation. In the S A C C the realisation has grown that it is necessary for the Church to have contact with the workers and to be informed about labour issues in order to be able to evaluate the responsibility of the Churches in relation to these issues and to the workers in general."

Should I read more?

Yes. --

(30

"The/..

"The following steps have been taken with regard to labour issues. The S A C C has received regularly study papers and recommendations from a highly qualified expert on labour issues particularly on recent labour legislation. The Justice and Reconciliation Committee has decided that workshops on labour issues should be organised for Ministers. Meetings should be arranged for the persons who are in charge of the Justice and Reconciliation Committees in the different Churches and denominations to inform them about current developments in labour issues. Two such meetings have (10 already taken place. The J & R Division has been assisted in these tasks by the Agency as a guideline for its member Churches."

Perhaps you can just first explain to the Commission what is this Agency you are talking about here? -- I suppose this is an omission in typing Agency for Industrial Mission I suppose it would be.

Agency for Industrial Mission? -- Yes.

And who is the Agency for Industrial Mission? -- It is an agency which is comprising people working on labour issues (20 in different churches including the Dutch Reformed Church.

Does this fall under the auspices of the Regional Council of Churches Witwatersrand or is it an independent ....? -- No it is not under the Witwatersrand Regional Council.

Is the Wilgespruit Fellowship Centre involved in this Agency? -- Yes I am not quite sure how they are related, at least Rev Dale White is in it, but there are ... I am not sure who is in the board.

It was your considered opinion that you submitted to the National Conference that Black workers have proved to be the (30

most powerful forces pressing for change in the South African situation? -- That is right.

Did you consider them to be a more powerful force than the S A C C? -- Yes.

In pressing for change? -- I think on the long run they are a very powerful force because the S A C C has not the possibility of exerting pressure. It is also the S A C C has a different task. It can only facilitate the different groups in South African society to negotiate.

In this one recommendation of yours you say workshops on labour issues should be organised for Ministers. In fact we know that these workshops on labour issues had taken place. -- Several have taken place.

T16 And one such example that comes to mind is a workshop that Mr Manthata had conducted long before your report to the National Conference in 1982. This was already in 1979, we find in your Committee minutes for August 21/22 that Mr Manthata reported on various courses that he had conducted especially for Ministers in Soweto on the topic and the topic was the rights of workers and workers organisations and that the response to the courses were very favourable. If we could come back to this then, why did you consider it important - or your Division consider it important to arrange workshops on labour issues for Church Ministers? -- First of all for the Church Ministers to be aware of the experiences and the needs of workers and very often in the Church - even in the divine services - you find few of the workers for instance migrant workers and it is simply that they do not feel that the Churches address themselves to their needs and to their particular situation. Secondly also to help Ministers to make other groups in the Church aware of the needs

of the workers. Also to make - if the workers want to meet - to make their Church buildings available if possible because they do not have places to meet and to discuss their concerns. I think this is a general concern that one has to get more proper insight into the experiences of the workers.

Incidentally at this same 1982 National Conference resolution 6 was adopted dealing specifically with trade unions and it was addressed to the South African Council of Churches and member Churches. Perhaps you would like to read through this?

CHAIRMAN: I think you can do that in the luncheon adjourn- (10  
ment.

COMMISSION ADJOURNS UNTIL 14h00

THE COMMISSION RESUMES AT 14h00 ON 16 MAY 1983

WOLFRAM KISTNER, still under oath:

MR VON LIERES: Doctor, we had reached the stage where your report to the National Conference 1982 was read into the record, and then I made available to you the consequential resolution, resolution no 6 of the National Conference, in connection with trade union matters. Now, would you please read this resolution of the National Conference into the record? --- The resolution no 6 on trade unions reads as follows: 10

"This Conference affirms the right of trade unions to organise the workers and to demand bargaining rights. It sternly deplores the harassment and persecution to which many trade union leaders and organisers are subjected. This Conference encourages the SACC and member churches of the SACC to support the struggle for justice in industrial relations and in the politically and economically deprived Black group, by practising and promoting among their membership their standard of employment, in 20 respect of remuneration, conditions of work and associations with other workers to trade union organisations locally and on a wider basis; by making available buildings for meetings for trade unions; by protesting against victimisation of trade union leaders and organisers; by encouraging churches in other countries to make the trade unions in their respective countries aware of the harassment and oppression of representative trade unions in South Africa and to alert them to their responsibilities; 30

by/...

by promoting pressure, especially on multi-national companies to accept and recognise representative trade unions; by helping employers to become aware of the grievances and the situation of workers in South Africa; by assisting families which suffer as a result of the participation of one or more breadwinners in a strike; by contributing towards leadership training of people engaged in trade union work; by organising workshops for ministers on industrial relations; by encouraging ministers to take 10 part in causes on mediation in industrial relations".

MR VON LIERES: Now, Doctor, this resolution would - appears to indicate that the Council - the South African Council of Churches in its National Conference has come to the full realisation of the importance of trade unions in the South African scene? --- Yes. M'Lord, the Conference consists of delegates of the churches, thus I think the Conference has accepted recommendations of the Division in which again delegates of churches were participating in these proposals. 20

Now, let us look at strategy 2.4, that was adopted by the National Conference in order to support the political-ly and economically deprived Black group. The strategy 2.4 says that churches in other countries should be encouraged to make trade unions in such countries aware of the problems in South Africa, and to alert such trade unions to their responsibilities. In fact in one of your minutes of the Justice and Reconciliation meeting, namely the minute of 30 September to 1 October 1980, we find such a situation already exists in overseas countries. I would 30

just/...

just like to find you your copy. If you would like to turn to page 13 of the minutes of that meeting, paragraph 14.2 deals with the report on the work of the EKD-sponsored European study commission on Faith and Ideologies, and the second-last paragraph on that page, if you would just read that into the record please? --- (READING)

"It appears that one of the tasks of the EKD in this connection is to contact the trade unions in Germany and to encourage them to use their influence for obtaining bargaining rights for Black workers 10 in the South African situation".

MR VON LIERES: - That would be consistent with the requirement of this point of strategy as formulated in the resolution? -- That is right.

Now, the making available - 2.2 - of buildings for meetings for trade unions, what was the idea behind that? -- Because they have very great difficulty in meeting, and the churches should make available their buildings for such meetings.

Is the position that the trade unions cannot 20 afford their own accomodation? --- That is one of the reasons, also the places for meetings, it is very difficult to get meeting places in quite a number of places.

In fact the position as far as trade union finances are concerned, is rather serious? --- It would depend on the type of trade union, I suppose.

Well, let us look at your notes on the CUSA Annual Conference at Hammanskraal that was held on 31 July 1982. I refer you to page 2 paragraph 4, if you would perhaps just identify those notes please? --- Yes, these are 30

my notes submitted to the General Secretary.

Now, page 2, paragraph 4, would you just read your notes? --- (READING)

"I was amazed at the degree of financial dependence of CUSA from international trade union organisations. This dependence was mentioned and emphasised in the report of the General Secretary and of the President as a problem that has to be overcome. If I understood the report correctly, CUSA collected approximately R4 500 from its constituency and depends to an amount of R114 000 on financial support from international trade union organisations in order to be able to cover its current annual budget".

MR VON LIERES: So they are largely dependent on overseas funds? -- According to that report.

According to that report, and that is the impression you are under? --- Well, I only listened to that report. I wrote down what I understood. I did not have the report before me.

This is what they said at the meeting you attended? --- In the report of that Secretary.

Now, 2.5 promoting pressure especially on multinational companies, is this an activity or a strategy that is done both locally as well as through your overseas links? --- I think this is done by the trade unions themselves, I mean, the churches do not directly exert pressure on the companies, but I read as far as I remember, what we read just now, we encourage the churches to make the trade unions in their respective countries aware of the situation.

Now, excuse me, but this resolution on trade unions/...

unions is addressed to the SACC and its member churches? ---  
Yes.

So this is a strategy that the National Conference  
commends to the Council and its member churches? --- Yes.

So the National Conference commends that the Council  
and the member churches should promote pressure, especially  
on multi-national companies? --- Yes.

Now, in what way should the SACC or does the SACC  
and/or its member churches promote pressure on multi-national  
companies? Let us first take the local scene. How 10  
do you operate to get these multi-nationals to comply with  
the resolution? --- M'Lord, the churches have companies,  
representatives in their constituency. They can talk to  
them, they can bring together trade union people and repre-  
sentatives of companies, within the country, to have a  
dialogue on this question, and there can be study groups  
or groups discussing these matters in the churches, and  
I know that this has happened also even on the parish level,  
where one gets representatives of - workers' representatives  
and people from management together. 20

Any boycotts of products? --- Boycotts?

Of products of these multi-nationals? Is that a  
method? --- This is not mentioned here and is not thought  
of here, at present.

Now, overseas then, how do you see that the Council  
and its member churches could promote pressure on multi-  
nationals overseas? --- The Council has relations with  
its partner churches, and through its partner churches  
it could encourage them to do the same type of work as  
it is happening here, namely talking to the trade 30

unions/

unions, and there are prominent trade union people in the churches, and there are also prominent representatives of management in the churches.

And the EKD, socalled "Firmengespreche", talks with companies, together with this extract we have read to you from your minutes for September 30 to October 1, 1980, that is an illustration of how it works? --- Well, that was one attempt of the EKD to talk to management.

Now, 2.7, assisting families which suffer as a result of the strikes, I think we have dealt with that already, the making available of funds to .. -- For the maintenance of families. 10

To promote solidarity and so forth. --- During the strike, yes.

Now, 2.8 is another strategy the Council and the churches are called upon to contribute towards leadership training of people engaged in trade union work. Could you perhaps clarify this strategy? --- M'Lord, I think I have spoken on this a little bit, that workers, if they want to organise, they would have to understand the whole working of a company, the relations, how also to approach people, how to have discussions, in order to find out what workers think, because very often you get - if you do not have experience and get people to speak and to communicate with one another, this can be difficult, and you often get a person with initiative speaking alone, and not participation of all the people in such discussions, and I think that needs some training which you need just as well with social workers, how to get people to discuss with one another the issues that are at 20 30

stake/...

stake.

Would this include the holding of seminars and workshops in which leadership is discussed and explained? --- Leadership methods would be discussed, yes.

And the making available of bursaries for study in the labour field, is that also something that would resort under this heading? --- That could be a possibility, to - particularly for courses.

Now, we come again to strategy 2.9 as set out in the resolution, namely organising workshops for 10 ministers on industrial relations. Now, what is the minister supposed to contribute in this context? I mean, he is not a trained man in that particular field? --- M'Lord, first of all the minister has to do with a parish. If he speaks to his parishioners, we have the experience that our sermons, the type which we preach, are very often determined by and influenced by a rural setting which is no longer at stake. We have very often people in suburban areas preaching as if you have a rural community, and if you have workers in your congregation, you must 20 take - first of all learn what their needs are, what their experiences are, and I find that this is an aspect which is very much missing in ministerial training. Also to have - take up the issues where - how to - where husband and wife work in industry, in different types of industry, to make employers aware of the needs of workers, also how to listen to them, because an employer would not always have the confidence how to gain their confidence, how to get their co-operation, and how to have a good atmosphere in mutual relationships, and then of course it 30 would/...

would be very important for employers to see how their people live, what does it mean if a worker has to travel 30, 40 kilometres in order to get to work, and rise at 4 o'clock in the morning. He only sees his employer when he is in the factory. All these things have to be taken into consideration. What is the situation of their migrant worker, who is away from his family? What problems develop with people in such situations?

It just struck me that it appears as if this particular trade union that you - on which you wrote 10 the notes CUSA, the Council of Unions of South Africa, also seems to have this problem, a lack of local financial support. Would this be due to the fact that it does not have a great deal of grassroot support? --- M'Lord, I would not be able to comment on that, because I was sent to that meeting on behalf of the General Secretary who could not go himself, and I simply attended and listened to what was going on there. I do not know their internal problems very well, but I do know that some trade union leaders - some trade unions have great difficulties because 20 their leaders have been arrested, then they come out again, and the organisation is disrupted, as a result of this continuous insecurity, and they were very much concerned to train workers or members of the trade unions so as to establish that grassroot contact. I think they were very much concerned about that, exactly for that purpose they insisted on training.

Doctor, somewhere in your notes you listed a membership figure for CUSA of 45 000, compared to 84 000 for FOSATU. I am just trying to find this quickly. If 30 those/...

those figures are correct, that I have mentioned to you, and the financial - local financial support that you have mentioned in your notes, is only R4 500, then it does seem to indicate that there seems to be a lack of grassroots support, would it not? --- M'Lord, I think I would have to need more accurate information. I do not even know whether those figures are correct, because I was sitting at the back and I made my notes, and in order to make a statement on the position in that trade union, I am not sufficiently acquainted with that trade union to be - 10 to say that. I know that the different trade unions try to establish grassroots support, and it is very difficult for them to organise, because in order to organise you need to employ people, in order to employ people you need money, and if they are in a stage of development, that can take some time.

Well, I think we have seen that you are very meticulous in all your notes and all your documents and all your comments. I take it we can accept you would not deliberately misquote figures and so forth, or make an error in 20 that connection? -- I would not be able to say that, because this was an item I reported to the General Secretary on what I experienced, and I did not get papers there.

I have got the figures now. It is in a document dated June 1982, talks on trade union unity, and on page 4, paragraph 3.1.2 you write:

"The Council of Trade Unions of South Africa (CUSA) did not participate. CUSA with a membership of 45 000 against FOSATU's 84 000 were in the Transvaal Solidarity Committee that was to host the meeting". 30

I am just showing that to you to identify it please? -- Yes, this was not worked out by myself. I asked somebody to write a report on this, but this is correct, this is a paper which was handed in to our Division.

Now, if you accept the figures as correct? -- Yes.

Does it then demonstrate a support or an absence of grassroots support in financial terms? --- M'Lord, I would not make those conclusions merely from the numbers and from the finances. If a trade union has stop order facilities, it is far much easier for that trade union to get the money. If it does not have those facilities or does not get those facilities because they do not want to register, then it is far more difficult to get that money. But it does not necessarily indicate that this union has grassroots support and the other one not. It also depends on the type of people whom this trade union tries to organise, whether they are poor people, whether they are the - which types of workers they organise, and I think there are a variety of factors which you have to take into consideration before you make a judgment whether they have grassroots support. You also would have to take account of the length or the period, how long have they been organising.

Perhaps we can agree on one point, that at the stage when you made the notes, this organisation, was supported to the tune of 95% plus by overseas funds? -- Well, that is what I understood from the statements.

Now, you also made some notes as a result of a talk that was given on trade unions at Khotso House on 31 March 1982, during a meeting of the Justice and Reconciliation

Committee. The gentleman who apparently addressed you was Mr Steve Friedman? --- Yes.

And on page 3 of your notes under the heading "Trade Unions as a Factor of Social Change", you have made the following notes, this is paragraph 4. I am not going to read the whole thing. I will show it to you in a second.

"Black trade unions (you say) have made great progress during the past two years in organisation and in the growth of their membership. Nevertheless the trade union movement is still weak if one con- 10  
siders the whole of the labour force in South Africa. It involves approximately 200 000 Black workers.

This figure represents approximately 5% of the work forde. Though the influence of the trade union movement has grown considerably during the past few years, it is not yet in a position easily to make demands which will be attended to by the employers. It is not yet strong enough to have a great impact on political issues".

Now, I take it that this is what Mr Friedman said? 20

--- What I understood from his lecture.

And did you agree with these thoughts that he had expressed, that the trade unions are not yet strong enough for example to have a great impact on political issues? Do you agree with that interpretation? -- M'Lord, we invited Mr Friedman as a specialist on trade unions, and I am not a specialist on trade unions, and this was exactly the reason why we invited him, and that is his opinion.

Yes, now, does this sound acceptable to you, this opinion, according to your experience? --- It is 30

difficult/...

difficult to evaluate. I think the Government has introduced certain changes, as a result of pressure on the part of trade unions, thus they have achieved something. It depends now what do you consider to be a big impact, but at least some impact has been achieved.

The 200 000 workers constituting 5% of the work force, is that in agreement with your information on labour activities? --- M'Lord, I am not adequately informed about that. I have not - I must say, I have not got the time or did not have the time to make a specific and very detailed 10 study of trade unions, because my work stretches over a wide area.

Now, your notes continue, and they compare the Polish situation with the South African situation at the present stage, and they say "in Poland the trade unions comprise approximately 10 million people. In spite of this numerical strength the solidarity movement did not succeed in pressing through the changes that were demanded by the workers. The power structures of the political system were too strong. Then it carries on and it says: 20

"One therefore has to raise the question whether a movement of 200 000 workers in South Africa is already strong enough to push through the changes that are demanded by the Black community. A fully-fledged workers' system would eventually spill over into a broader political movement. In hoping and working for such development one has to be aware of the long battle for the future that lies ahead".

Do you recall this? --- I recall having written something yes. 30

Now, how does Mr Friedman's view co-incide with yours? Do you also see the trade union movement as eventually spilling over into a broader political movement? --- M'Lord, I know of different views within the trade unions. First of all certain trade unions or certain trade union people think they should concentrate on the economic issues first, and that on the long run will have political implications, and they should not diffuse their energies on a wide spectrum of problems, and others want to take the whole situation, the work situation, their rights, residents' 10 rights and so on, from the outset, and that is at issue between the trade unions, but I - sorry, I forgot the point of the question.

The question was whether Mr Friedman's view as recorded here by you, that the workers' system would eventually spill over into a broader political movement, whether that accords with your understanding of what the development is going to be? -- Of course, M'Lord, if workers get more experience in organising and if workers get more experience in negotiating, this inevitably will have political 20 consequences. They will also then negotiate on a political level. They would get more self-confidence, and it would also get better relationships, because as soon as authorities recognise that they have people with whom they can negotiate, or with whom - whom they have to respect as negotiators, then there is the possibility of more peaceful change. It will have political effects, and with regard to the Polish situation, that comparison, I do not think that comparison is completely valid, because as far as I have read about the Polish movement, the lack - there is 30

a lack of organisation, because that movement is - there is a lot of national feeling also involved in that movement, and sometimes they have neglected organisation matters.

From the notes that were prepared for you on the question of trade union unity, this is a document we have referred to earlier dated June 1982, it is suggested here that FOSATU's standpoint is this, that that trade union sees its task as follows, and I quote:

"We need have no fear of critics. Our task will contribute to the wider liberation struggle 10 and will also ensure that the worker majority is able to protect and further its interests. Ours is fundamentally a political task, and those who ask of workers their political support without allowing them the right to build their own organisation must answer for their real motives".

Are you aware that there are different views within the trade unions with regard to their roles in the community?

--- Yes, I am aware of that.

And this is one of the views that exists? --- 20

Yes, there are others too.

Are others less politically orientated than this view that was expressed by FOSATU? --- Or more politically.

Both sides. Now, in the Asingeni Report No 25, dated August 1982, under the heading "Labour Unrest", we find the statement that the trade union movement is the cutting edge of the liberation struggle for a more just and democratic, non-racial South Africa. Now, that is a report, as we know, that was issued at regular - reasonably regular intervals by the General Secretary of the South 30

African/...

African Council of Churches. Do you agree with that view that is expressed there? --- I would say that the trade union movement is a very important element in the liberation struggle for a more just and democratic, non-racial - I have no objections against this statement.

Would it be correct to suggest to you that the Council of Churches' interest in the labour movements is an interest that arose as a result of the realisation that within its own structures it does not enjoy sufficient support to support it in its attempt to achieve fundamental 10 change in this country? --- M'Lord, I find the question as it is formulated a bit difficult. I understand that the question would like to indicate the possibility that the Council because it does not have sufficient grassroots support, diverts - attends to another organisation which appears to have grassroots support, in order to support its aim of liberation, and I do not think one can argue like that, because what does it mean, the Council has grassroots support or has no grassroots support. The Council consists of member bodies, and in these member bodies 20 you have very often the same question, does the church leadership of an individual member body have the support of its constituency, and that comes out at their National Conferences or National Assemblies or National Synods, but the Council can - the constituency of the Council first of all are the member bodies, and thus I cannot see how the Council should turn now to the trade unions, because the Council is not directly engaged in this movement. It is only concerned that people at the grassroots level get their opportunity to voice their feelings, to share 30

in decision-making with those who are in power, and the Council is not doing this for them, but it appeals to all participating groups in society that this be achieved. I do not think that - I do not see quite how that has to do with grassroots support.

Is this question of support for the .. (INTERVENTION)

MR KENTRIDGE: If I can just interrupt My Learned Friend before he goes onto the next question. M'Lord, in his last question My Learned Friend did what he has done a number of times in the course of this cross-examination. 10 He made a certain suggestion to the witness. M'Lord, this is something which we have found very puzzling through the whole of this cross-examination. When one puts a suggestion to a witness, one normally does it on behalf of someone or in support of a case. I would like to know on whose behalf that suggestion is made. Who is putting up that case? One does not just ask - it is not just asking questions for elucidation. My Learned Friend is putting specific propositions, and it would help us in deciding whether we have got to re-examine or lead further 20 evidence, if he would be good enough to tell us on whose behalf he is putting these propositions.

CHAIRMAN: Well, it is perfectly plain that Mr Von Lieres is not appearing on behalf of anybody. He is here to assist the Commission in interrogating witnesses.

MR KENTRIDGE: But in that case, M'Lord, I do not know how he can put a suggestion, put a proposition. He must do it on instructions. If it is just a matter of elucidating things, he can just as well put propositions on our side. It sounds to us as though the case he is 30

putting,

putting is the case to be found in the Security Police memorandum, and if that is so, we would like to have that clearly stated by Mr Von Lieres.

CHAIRMAN: Well, it certainly is - it is a suggestion which was made in the Police memorandum. It is a thing that the Commission has to investigate, and the way of investigating it is to ask questions of a person who was responsible or in part responsible for the formulation of ..

MR KENTRIDGE: But then you do not put propositions, 10  
M'Lord, It is very surprising if all My Learned Friend is doing is helping the Commission, that he did not put propositions to General Coetzee, that report called out for elucidation. I have only looked at the record. I saw no single question by My Learned Friend which in any way sought to elucidate what General Coetzee said, or in any way challenged it, or put contrary propositions. The trouble we have, as we have understood, that Mr Von Lieres was assisting Your Lordship and the members of your Commission, and presumably he would only be asking these 20 questions and be putting these propositions because that is what Your Lordship and the members of the Commission want him to do, and we find this an extremely strange situation, and I am asking Your Lordship's guidance, because quite frankly we do not know how to deal with it. Whom are we dealing with? Who is putting this proposition? Must we answer it? Does it mean, M'Lord, that this is a suggestion which is going through the Commission's mind? Is My Learned Friend acting on instructions?

CHAIRMAN: This is not - let us just get back to 30

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the way in which the question was formulated. It was not put in a way in which counsel puts a question when he is appearing for party, and he is saying, I am putting to you that ..

MR KENTRIDGE: That is just what My Learned Friend was doing, M'Lord.

CHAIRMAN: No, I do not - well ..

MR KENTRIDGE: He said, he made the suggestion, he said ..

CHAIRMAN: If I understand - let us - if I understand the question correctly, it was formulated on this 10 basis: would it be correct that the reason why this was done, the interest was shown in the labour movement, because there was inadequate grassroot support. This as I interpret the question, is a far cry from the sort of question which you have in a civil action where one party says, I put it to you and my witness will say so and so.

MR KENTRIDGE: If we have it played back, M'Lord, we will find that the way the witness - the question was put, was that My Learned Friend said that he put - he made the suggestion, he suggested to the witness that the 20 reason for the SACC's support of the labour movement was that the SACC itself did not have the grassroot support.

CHAIRMAN: Well, I think the way of dealing with that would be to require Mr Von Lieres to put the question not on the basis of it being put as a proposition.

MR KENTRIDGE: I do not require him to do anything at all. I am not making any objection to his question. I would just like to know what the object of all this is, whom he is putting these questions on behalf.

CHAIRMAN: He is getting information which will 30

be/...

be of assistance to the Commission in finding the facts.  
That is all.

MR KENTRIDGE: Well, M'Lord, then you have the situation, it could go on forever. My Learned Friend quotes something said by someone else and ask the witness whether he agrees.

CHAIRMAN: Well, that may affect the value of it, but let us just get to the question. Mr Von Lieres?

MR VON LIERES: Mr Chairman, may I be permitted to make some observations? In leading this witness My Learned Friend has not attempted to assist the Commission 10  
one iota. The witness' submission to Your Lordship and the Gentlemen Commissioners concerned what the police had to say, and why the police were right or wrong in saying what they had to say, and there was - no attempt was made to lead the witness to assist the Commission in understanding what the nature of the task and activities of the Division of Justice and Reconciliation is within the set-up of the South African Council of Churches. I did that, because it is obviously of importance to the Commission to know what the functions of the Division of Justice 20  
and Reconciliation are, and its activities or programmes are. Now, in this particular process, M'Lord, it is inescapable that one has noticed certain parallels between the external financial support that the Council gets, and external financial support that certain trade unions get as appears from the notes in the Council's own documentation, and the question to me was an obvious question, and I think I was entitled to put it in view of the fact that no attempt whatsoever was made by My Learned Friend to assist Your Lordship and the Gentlemen to try and 30  
understand/...

understand exactly what is the scope of the work that is accomplished in the Cluster Justice and Reconciliation.

MR KENTRIDGE: M'Lord, all that is in the documents before Your Lordship, the very document that My Learned Friend is reading out; what My Learned Friend is trying to do is to put a particular interpretation. Of course he is entitled to it, M'Lord. I make no objection at all. He can ask any questions he likes. I was just asking him to elucidate on whose behalf he was putting these propositions, why he believes that certain things are the case. It must be on instructions. He is not, I assume, putting his own views. Perish the thought. 10

CHAIRMAN: Mr Von Lieres, I think that in order to have clarity about all this, do you mind rephrasing the question that you wanted the witness to answer?

MR VON LIERES: Well, M'Lord, you will recall that in starting the questioning of the witness, we indicated his initial understanding of the position of the Council vis-à-vis the member churches and the grassroots support, as appeared from various documents in 1976, and on subsequent days. Now, I am asking this witness whether, if I can put it to the witness in a different way, then I will ask him whether in order to achieve the intentions, Dr Kistner of the South African Council of Churches, to have fundamental change in this country, he .. 20

CHAIRMAN: Yes, may I interrupt? I think it would be - Mr Kentridge's concern about how he has to deal with this in the re-examination of the witness. Let me make it perfectly plain that the Commission, certainly I, am interested in the intention of the SACC in revealing an interest 30

in/...

in the labour movement. So that is the general ..

MR KENTRIDGE: Exactly, that is why Dr Kistner dealt with it in his evidence-in-chief.

CHAIRMAN: Yes, and it is in relation to - that seems to be part of the question. I had started noting it before you intervened. The question is related to the SACC's interest in the labour movement, and why it arose, and it is that question which the witness was, I think, required to answer, but let us have it reformulated, and let me indicate too that I am certainly interested in the answer to that question. 10

MR VON LIERES: - Well, Doctor, is your interest in the labour movement - what is your interest in the labour movement? --- M'Lord, I have pointed out that the church and the Council of Churches has to have a concern that workers and the experiences of workers are taken note of, by industry, by management, and also by the people in political authority, and very often workers do not have the possibility of expressing their opinions. They must have representatives, and we are - the Council of Churches has also an interest that the economic situation in management and trade unions, negotiate with one another, and proper negotiations presuppose that you negotiate on a certain level, that not the one group is completely dependent on the other, because then it will not have an opportunity to express its views. It must have some way of meeting management on an equal level and to participate in decision-making, and I think that is a valid point, because the church and the Council of Churches, by virtue of its message, has to see that human beings are being 20 30

treated/...

treated as human beings, that every person is being heard, that every person is a person with human dignity, and these are structures which are necessary simply to ensure peaceful negotiation about their mutual relationship and about just - or the best possible structures in the economy, and also in society in general.

CHAIRMAN: Well, could you explain to me the meaning of the phrase employed in Asingeni Report No 25, which if I remember rightly, is more or less to this effect, that the labour movement is at the cutting edge of 10 the liberatory struggle? I am speaking from memory now. Is that what was said? --- Yes, the term 'cutting edge', I think it means - is an important element. I suppose this is what the term which ..

What is the liberatory struggle? Is it the liberatory struggle generally for the oppressed against the oppressors or what is the labour struggle that the person who phrased those words had in mind? That is not wording, but you have ascribed to it? --- M'Lord, I understand the liberation struggle as a struggle for the liberation of 20 all people in South Africa, because there can be no freedom in this country if White and Black people do not accept one another.

Now, what role in that general struggle will the trade unions or the support for Black trade unionists play if they are financed by the SACC? --- The SACC as far as I am informed, has supported trade unions mainly in the case, the families of strikers, I do not think they took a decision on the general support of trade unions, and - but I think that question would have to be put to 30

the/...

the General Secretary who is in charge of the Asingeni Report. But I see a possibility - the need of support to the trade unions so that they can organise, but if that has happened, it is not the task of the SACC simply to be - well, to sponsor the trade unions, because they have to put their point on their own, but in helping them to organise particularly in the initial stage, and get the necessary training, the support of the SACC may be necessary.

This phrase which I have referred to, that is 10 not one of your creations, it was, I think, you said, made by the General Secretary? --- This report is from the General Secretary.

Well, perhaps that is a question which had more appropriately to be put to him, so that he can explain it.

MR VON LIERES: Doctor, further in relation to the labour movement, and the position of the worker in this country, the Division of Justice and Reconciliation had - did some study on the Wiehahn and the Riekert Commissions? Is that correct? --- M'Lord, I myself did not make a 20 study, but there may be - in the minutes there may be traces of people who did. I do not know exactly to which point it refers. I have some general knowledge, but exact knowledge - study I did not make.

Now, let me just find that - in your report, the minutes of Justice and Reconciliation, August 21, 22, 1979, on page 12, we find the first reference to the Wiehahn Commission report, and it is noted here that the Justice and Reconciliation Committee decided that The Reverend Buti Thlagale should be asked to work out from a 30

more contextual understanding of the Bible to logical guidelines for responsible participation of churches, on shaping working conditions and labour and management relations, and in the next minute of Justice and Reconciliation, April 15 to 16, 1980, is minuted on page 2 that The Reverend Thlagale reported on the work which he had done in that connection. Now, perhaps if I show you this particular report, you may recollect it? -- Yes, M'Lord, this is a paper worked out by Reverend Buti Thlagale on this type of - on this legislation. 10

Now, that report finds, in paragraph 10.3, 10.2 and what follows, that - or shall I say, suggests that both the Wiehahn and the Riekert Commission reports are really aimed at dividing the Black working classes into a middle class or a privileged class and a non-privileged class? --- Yes.

And that this Black middle class or privileged class would then be incorporated into the existing system, and would act as a buffer in respect of those who come from rural areas to urban areas? --- Yes. 20.

Now, what is the Division of Justice and Reconciliation's attitude towards these reports? Are they accepted or are they rejected? -- M'Lord, I do not think this report has been discussed. It has been attached to the study material. I do not think there was - there has been - it has been discussed in any detail, and I do not know whether it has been accepted, but the view which is expressed here by Reverend Buti Thlagale, is the view which many people in the Council of Churches have, and that is a fact.

If that view were correct, what effect would this/... 30

this creation of the Black middle class have on the Council's aims and objectives if any, in respect of the achievement of fundamental change? Would that be advantageous or supportative of, or would it hinder the achievement of fundamental change or what would you say is the position, if that perception is correct? --- Well, on the whole the supposition is here that by getting a middle class, you buy off the people of this middle class so as to get satisfied, but from experiences in other countries one knows that this has not worked on the whole, on the long run, at least not with the children of these people. But I do not know what the effect would be on the Council of Churches on the long run, because you can use the term 'middle class' in very many ways. After all, many of us are middle class people, and there are also Black people speaking for liberation, who are also middle class people, but you could not say that they are people who are also prepared to bring sacrifices. Thus I find it a bit too general a statement to say this middle class would be brought off. You would have some people who might be satisfied with better economic conditions, but with others it would be different.

Would it have any influence on the strive for unity that the SACC supports? This developing middle class, that these conditions may create? --- It could lead to a neglect of the - certain people, a neglect of the situation of the people in rural areas, in the churches, and I notice that many people including ourselves, are not aware of the suffering of people in rural areas. If you are in that situation, it can have the effect, but

others/...

others would have an eye for that situation, and would speak out openly. I do not think that you can so generally speak about a middle class. You always get certain people in a middle class who are concerned about people who are suffering and very often give them also certain leadership.

Doctor, if we then turn to the sketch, the next programme on the sketch relates to international affairs. Now, I think to a certain extent the overseas links and the overseas portion of disinvestment which you find on the sketch, are part and parcel of international 10 affairs. Could we group them there? --- Yes.

Now, in your .. -- M'Lord, I would ..

Yes? --- You could do that.

In your 1979 report to the National Conference, you have submitted four proposals for consideration to the National Conference, and the second proposal which I am concerned with at this stage is that the Division should have the task to maintain contact with the work undertaken by overseas partner churches and ecumenical institutions in the area of Justice and Reconciliation, and to feed 20 into the life of these churches and institutions the experience gained in the South African situation. It should also have the task of feeding back into the life of the SA Council of Churches the response of overseas churches through the South African issue and to the involvement of the churches in South Africa in the South African issue. May I just show you that for identification purposes? Is that correct? --- Which is the paragraph?

Paragraph 2? --- M'Lord, I am saying here that the Division has the task to report about our issues into - 30

in overseas organisations dealing with Justice and Reconciliation issues and see how they relate to that work that happens there. You have for instance with regard to labour, you have a lot of work being done by various church institutions in partner churches, with regard to the peace issue, with regard to non-violent action, and very often you get a different approach and different experiences, and to relate to - to report about that into our member churches and to report about our experiences to them, so that we can have an exchange of view and exchange of material. 10

Also if one goes overseas and listens to conferences, I felt it to be an obligation to report accurately about what happened at those conferences, which were the forces, which were the circumstances, and exactly the same about South Africa here. This is the reason why some of these minutes are very extensive, why you do not only present resolutions but describe the whole setting, what happened at this time, which different groups and views were at a conference, and in exchanging this information you participate in the experiences and concerns of other 20 churches and make them participate in our concerns.

THE COMMISSION IS ADJOURNED

ON RESUMPTION:

WOLFRAM KISTNER, still under oath:

MR VON LIERES: Doctor, I referred you to the four recommendations you submitted to the National Conference, and we specifically focused on the second one, which relates to your contacts - the Division's contacts with the work of overseas partner churches. -- Yes.

Now, those recommendations for future 30 activities/...

activities of the Division of Justice and Reconciliation, they were accepted by the National Conference as part of resolution no 15, is that correct? Could I show you resolution 15? --- That is right.

Now, I think the Commission is aware of the fact that there must be - and there is contact between the Council and donor partners from overseas; that has emerged from the financial report by the auditors. It was also reflected in the financial report as well as by Bishop Tutu. So we can leave that aside for the moment. Now, could 10 you give the Commission a brief overview of the nature of Justice and Reconciliation links and contacts with overseas church agencies? --- Yes, M'Lord, in - usually when I go overseas I report at different places about the work which we are doing, report to churches in Germany, and I also show them the work which we are doing in our Division. I report - have reports sent occasionally also to Britain, to quite a number of church organisations and churches, partner churches, and particularly to those who have an interest also in Justice and Reconciliation, we send 20 reports to those churches which support this Division, in Germany I have special contacts with the Lutheran Churches also, with the EKD. I have been in the German Democratic Republic. I have attended - I am a member of a study commission of the Lutheran World Federation, and on all these occasions one reports about the work which we are doing and gets material on the work which they are doing, and usually I write an extensive report on such visits.

Now, your links with the Lutheran coalition on South Africa, could you tell us something about that 30

please/...

please? --- The Lutheran coalition in the United States on South Africa, that is a group which is particularly interested in the South African issue, and they have asked for material on our work, which I sent them. It is active in the Lutheran Churches in the United States.

Is this a majority or a minority group in the Lutheran Churches in the United States? --- Well, they have had influence on the Synods, the various Synods in the Lutheran Churches in the United States.

And what is their particular field of interest? 10  
--- It is raising the South African issue, relating it to the American scene, to their - also to their racial problem in the United States, and considering what the responsibility of the Lutheran Churches in the United States is in this regard.

Where do they stand on the investment or disinvestment issue? --- They have taken the stand that the churches in the United States should divest from organisations which have shares in South Africa, South African firms.

Is that the official position of the American 20  
Lutheran Church or the Lutheran Church of America? --- Well, there are a number of Lutheran Churches in the United States. I think the American Lutheran Church, she has taken a Synod decision on this, and as far as I am informed, also the Lutheran Church in America. Those are two different church bodies.

Now, one of the gentlemen in the Lutheran coalition is a Reverend Joe Barndt. --- Yes.

And another one is a Reverend Siefkes? -- Yes.

Do you keep up quite a lively contact with 30  
them/...

them? --- I would not say quite a lively one. I have been there on one occasion, in the United States, but I have not much correspondence with them.

Doctor, the reports that you send overseas, for example to Pastor Barndt, are they sent by ordinary mail or by a visitor or how do they get it? --- I use both ways.

Do you use both ways? -- Yes.

I just noticed in a letter that he wrote to you, dated 3 November 1979, he says:

"It was delightful to receive your hand- 10  
delivered letter and packet of information. Likewise  
I do not even know whether you received the last  
package which I sent to you via Geneva".

--- Yes.

It is the introductory paragraph. -- Yes, as far as I remember, there was a visitor, this was in 1979, from the United States, who travelled via Geneva back to the United States. I cannot remember the details.

Doctor, the Lutheran coalition on Southern Africa is also - in its papers as they were found in your 20  
files, they are also concerned that the American churches recognise the confessional status in respect of South Africa?

--- Yes.

Were you asked to comment on this particular position? --- Well, I was not there when they did that - when they took up this issue, but this was - this emerged from the decision of the Lutheran World Federation Assembly in 1977, where the White churches in South Africa were asked to consider their position, and later the question arose, what is the position of the member churches 30

of the Lutheran World Federation with regard to the South African issue.

According to this document that was in your file, on the Lutheran Coalition - I will show it to you now - they had basically three goals. The first one was to work for the disinvestment of the Lutheran Churches in the United States from corporations involved in South Africa; the second one, to work for intensified participation by Lutheran Churches in the ecumenical withdrawal campaign from banks which loaned to the South African Govern- 10 ment, or to corporations involved in South Africa, and the third goal was to work for the recognition by the Lutheran Churches in the United States that the situation in Southern Africa would constitute a status confessionis. I will just show you the document. --- Yes.

Now, in respect of these goals that this coalition had, did you supply them with relevant materials? --- I simply supplied them with materials, exactly the same which you have found, minutes of what we are doing in South Africa.

In one of their further documents to describe 20 the status confessionis, they say that the Lutheran World Federation appealed to Southern African churches to do it themselves, that is to declare a status, and the reason they made that appeal was because the South African and Namibian delegation to that Assembly requested that they do so; page 2, the second column, at the top. --- Yes.

Now, did you attend the All African Council of Churches' meeting in 1977, at Dar-es-Salaam? --- M'Lord, I suppose the question refers to the Lutheran World Federation Assembly. 30

Excuse/...

Excuse me? The Lutheran World Federation? --- No, I was not present at that Assembly. I only read about it.

Was there a delegation from the South African Council of Churches? --- There were from the South African Lutheran Churches, there were people. I do not think from the SACC, but the Lutheran Churches in South Africa.

That statement that the confessional status was discussed at the request of the South African delegation, do you - have you done any reading on that? Is that 10 correct? --- I have done reading on the discussion at the Assembly on this matter of status confessionis.

And is that a correct statement that they have there, that the South Africans requested the Lutheran World Federation to appeal to South African churches to declare such a status? --- I did not find that in the report, but what I know is that there was a document which played an important role in the status confessionis decision of the Lutheran World Federation, that was - is called the Swakopmund appeal. It is - and that was accepted 20 by the church leaders of the Lutheran World Federation.

Did the South African Council of Churches have anything to do with that? --- No, that was a Lutheran matter.

Doctor, in 1977 you also attended the EKD's consultation at Königstein on the question of investment in South Africa? You were part of the delegation? --- I was part of that, yes.

Who made up the delegation apart from yourself? --- Mr Rees was there, the then General Secretary of the SACC, I remember that - if I remember correctly, Mrs Sally 30

Motlana was there, but I suppose there was ..

Mr Roelofse? --- No, I do not think he was there.

Well, we have got the minutes of that. Now, after this consultation, after the Königstein consultation, did you meet up with the Reverend Barndt in Germany? --- I met him yes, in Germany.

Were you involved in a consultation then, on the question of discovering ministries, from 2 to 4 November 1977? --- In Germany?

Yes? --- A consultation of - I do not remember 10  
that.

I see. Well, let me just show you this document of the American Lutheran Church, it is dated 14 November; it is a memorandum addressed amongst others to you? --- Yes, this refers to a visit - I think it was in that year, if I remember correctly, I extended my visit from Germany to go there, it may have been on this occasion, to the United States.

Was that in the United States? --- Yes.

Not in Germany? --- Not in Germany, no. 20

What was the purpose of that meeting? --- I was invited by the American Lutheran Church, here, Reverend Siefkes. to the United States, that church.

What was the topic discussed and how was it relevant to the South African Council of Churches? --- They asked me to report on the South African situation, and to visit the Lutheran Churches.

Now, I would just like to get some clarity - I do not understand the position, exactly, but in a letter dated 21 February that you wrote to The Reverend Joe Barndt 30

the/...

the second-last paragraph, you say to him, you will find also enclosed a report on the visit to Germany; for certain reasons I did not mention your name in the report. --

I do not remember the exact reason, but I could imagine what the reason could have been, because I do not remember all the circumstances, but I think that mentioning, since I know that this - that Reverend Joe Barndt was active in the - this Lutheran coalition, that mentioning of his report might have an influence in case he wants to visit South Africa, applying for a visa and such things. 10

Why would the fact that he is member of the Lutheran Coalition had an effect on - if he were to apply for a visa to visit South Africa? --- Well, I suppose that is the case, because if that Lutheran Coalition in which he was involved, concentrates very much on the South African issue, that might raise suspicions.

But he was here in 1977? --- I think that was before, it must have been before.

I wish to show you a letter now that you wrote to Pastor Barndt dated 28 July 1978 from Hermannsburg, 20 Germany. --- Yes.

Now, this letter concerns a document "Time to Resist" and your comment on that document. --- Yes.

Unfortunately I did not find the article itself in the files that were made available to the Commission. Are you perhaps still in possession of a copy of that particular document, "Time to Resist"? --- I would have to check that.

And could it then be made available please? -- I think so, if I had it, yes.

Now, let us - it appears that this article 30

relates/...

relates to the South African situation, from your response to the article? -- Yes.

Does it? --- Well, I remember that we had discussions on the interpretation of certain sections of the letter to the Ephesians, and that was in Hermannsburg. There was a group of people where we considered the letter to the Ephesians, and I suppose that his report - I can only say this from memory - will have been a report on his visit to South Africa.

Can we just establish that I am not putting 10 anything incorrectly to you, the title of this report was "Time to Resist"? --- I know that he wrote a report "Time to Resist" and I think the contents could have been his visit to South Africa.

Now, if we look at page 2 where you discuss the report, you start off with his introductory chapter, page 3, you discuss violation of human rights, page 4, you discuss the section in his document "The worsening situation in South Africa", then also on that same page, you comment on his chapter, "The worsening international response". 20 --- Yes.

And on reflections on resistance, right at the bottom of page 4? --- Yes.

And on page 5, you deal with the task of resistance and the question of violence, which appears to have been a chapter of that report, as well as a sixth chapter, "Resistance and the Theology of Mission" on which you comment? --- Yes.

Now, the letter seems to have had more than five pages, but these were all that was in the file. 30

Could/...

Could I ask you please, in this connection, on page 5 paragraph 6, here you make a suggestion to the Pastor Barndt that paragraph 2 of that section of his report, in that paragraph you suggest that the efforts by conservative German bishops to oppose the work of liberating theologians should be illustrated. How is this relevant to the document? --- M'Lord, I think I would have to check the context. I suppose these were comments on his report.

Yes. --- And as far as I remember, there was at that time in Germany a discussion on liberation theology, 10 and if I am - remember correctly, these were Roman Catholic bishops, trying to evaluate the liberation theology in the - in Latin America and the main theologians, and I suggest here that for the sake of comprehensiveness, that he refers and gives these as appendices.

Would this part then have no effect on the South African situation? --- Well, of course it would have to deal with the whole theological issue of resistance, and if here resistance is being discussed also in regard to the South African situation, it would have - it would 20 be a discussion of the question of resistance in - well, in a comprehensive way, in South Africa or wherever it would be.

On the previous page, page 4, paragraph 3, you respond to the content of Pastor Barndt's chapter "The Worsening international Response", and you say that you suggest that the controversies taking place within the EKD and its member churches should be reflected in the statement. --- Yes.

Now, in what way insofar as this article is 30 related/...

related to South Africa, were the controversies that were taking place within the EKD and its member churches relevant to the South African situation? --- Well, I think it is said here that the whole question of investments in those churches was an issue and that one should describe that issue. It says that in this paragraph.

And what was the situation within the EKD on this investment issue at that stage? --- M'Lord, that came out at the Königstein Consultation, where there were quite a lot of different opinions, people asking questions, 10 about the whole foreign investment issue. The one group was in favour of what you could describe as the constructive engagement theory, if you are involved in the economy, that liberalises the whole country, and there were others who had the opposite opinion.

I see. In this same paragraph 3 on the EKD question and internal controversy, you say:

"Since the real power in the EKD still rests with the member churches, the latter should also be mentioned". 20

You say, perhaps one could say:

"Influential circles and decision-making bodies within the EKD and its member churches have undertaken efforts to oppose and counter-act groups and individuals within the churches demanding a clearer and more resolute stand on foreign investment issues".

--- M'Lord, that has been the situation, that there was at that time quite a lot of discussion among the - in the different churches, and certain groups pressing for taking a stand on the foreign investment issue, and for 30

understandable reasons the people in key positions in the church who had to take decisions, hesitating because of the fears that they had, how would that be understood in our churches. They also depend on the financial support of the church members and of people involved in industry, and that that was the situation at that time.

That was 1978? --- I suppose it was - according to the letter, yes.

The date of the letter was 1978, July. --- Yes.

Now, the - what did this article recommend, 10  
the article by Pastor Barndt? What was the message sent across? --- Does the question concern this report?

Yes, what was the gist or the thrust of Pastor Bamdt's article "Time to Resist"? --- Well, I would say as the title indicates, it is time to resist injustice.

And that existed in South Africa? --- It referred to South Africa. I do not know whether it referred to situations in the United States too. I do not remember that.

Well, I do not think it is necessary to ask you 20  
any further questions, because I think one will have to have a look at the article itself. --- Yes.

Were you asked to collaborate or co-operate on this article? --- I have always taken the stand that people overseas must take their own decisions. What I can do is only to give them reports about what we are doing, because we have made the experience that very often people want to take - us decisions for them, and I was of the opinion that they will have to take decisions on their own responsibility. 30

The/...

The same Pastor Barndt of the Lutheran World Coalition also produced a report which was entitled "The Southern Africa Study Project". Do you recall that? Unfortunately I only have sections D and E of that particular report, in front of me. I do not have sections A, B or C. --- M'Lord, I would have to check this, if I still have the material, but I suppose that these could be the last parts, resulting from this overall report and the whole report could have the title "Time to Resist", and these would be parts which he worked out at a later stage. A, B 10 and C could be - I suppose that could be the heading, for the whole paper.

I do not think so, because I have a summary here of the whole report. It is not the same thing. But on 21 February 1978, you acknowledged receipt of the expanded two sections D and E of the summary report of your study tour to South Africa. Would you just confirm that? That is the first paragraph. --- I do not see why it contradicts what I have said just now.

Because there are three further pages in your 20 documentation which sets out the scope of the whole report. -- Yes. M'Lord, I would have to check that. I could not say anything.

I know these are only sections D and E and section D deals with overseas strategies that the American churches could consider, and section E deals with the effect such strategies could have on the American situation; E, the effect of the South African struggle on the United States. Now, may I ask you, in what sense was the view of Pastor Barndt concerning strategies or participation in 30

the liberation struggle of people of South Africa by international church agencies, relevant to the South African Council of Churches and its function? --- M'Lord, I do not remember whether he visited the SACC in an official capacity. He made - he called there, he came as a visitor, but you are - I suppose you would be aware - M'Lord would be aware that the SACC has also - or certain groups in the SACC and representatives of the SACC have taken the view that disinvestment or a stop to further investment could be a non-violent strategy for change in the 10 South African situation. This was not a general view of the SACC, but in that respect there would be a certain similar outlook. There was no direct link between what Reverend Joe Barndt proposed and the SACC as such.

But there was a direct link between what he proposed and the study document issued by Mr Sjollemma of the World Council of Churches in December 1977 under the title "South Africa's Hope: What Price now"? --- I think so, yes.

Do you recall, you commented on this particular article in a report to the General Secretary? --- That 20 is right.

And you suggested that the WCC offers a solution of violence at too early a stage? -- Yes.

First non-violent methods should be tried? --- Yes, and he was influenced by that and he was influenced by the Lutheran World Assembly resolution.

Now, let us just see how this influence was. This discussion document "South Africa's Hope: What Price now", suggests that there are three effective ways in which people outside South Africa who wish to see apartheid 30

ended/...

ended, there are three effective ways in which they can act, and it says:

"They have a choice between doing nothing and doing something. If they choose to do nothing, they will be endorsing a heresy of those South African churches and Christians who claim that apartheid is compatible with the Gospel. They will also be endorsing the preference of most of the industrialised nations of the West for profits rather than justice. By their inaction they will be obstructing the just struggle of the oppressed".

10

That is if they do nothing. That is what the study paper suggests. Do you recall that? --- Yes.

Now it says:

"If they do something, they will find their choice more limited. So there are three effective ways in which they can act:

- by providing all possible support for those forced to become refugees. (This includes the provision of training facilities)
- by building support for all those who are working inside South Africa for liberation;
- by working wherever appropriate to end all foreign support for South Africa, for a complete halt to all economic, military, diplomatic, cultural and social links".

20

These were the three suggestions the World Council's study document offered to those outside South Africa who choose to do something in connection with the situation in South Africa, the liberation struggle. --- Yes.

30

Is that correct? --- Well, I do not remember the details, but I would - I believe that that is the case.

Can I show you the document? --- It is the paper of the WCC, M'Lord.

And were those three actions listed as I have said? --- Yes.

18

Now, the strategies that The Reverend Barndt suggested, would you say they are influenced by that document of the World Council's, or are they more or less similar? --- I think I have seen that he refers to this document. I certainly would think they would be influenced, but it does not say that they would co-incide. I would have to check the document for that. 10

The Reverend Barndt basically divides the strategy that overseas church agencies or international church agencies could apply to South Africa, into three categories. --- Yes.

The first category concerns support for activities within South Africa? --- Yes.

And here he says, the South African Council of Churches has taken on a dramatic new importance, and he suggests that - this is on page 6, he suggests that the South African Council of Churches will more than likely become one of the most important arms of resistance in South Africa. Then he suggests that overseas churches should develop ways, including international pressure, to make it as difficult as possible for the welfare, social welfare legislation to be passed inside South Africa, because that would hamper the churches, and he suggests that the overseas strategy of providing funds and other resources/... 20 30

resources for legal aid is quite effective, and the third suggestion for activities inside South Africa would be the conscientisation of the Whites in the area of White liberation. Would that be a brief summary of his suggested activities or strategies within South Africa? --- Yes.

The second category of activities he suggests are then those outside South Africa, which would consist of aid and assistance to refugees, page 7, paragraph 3. --- Yes.

Further, that there is a need to provide 10  
liberating experiences, page 8 at the top, and that the overseas or international church agencies could conscientise and radicalise those who are given permission to travel from South Africa, that is in the middle of the page, page 8. Correct? --- I do not see the word 'radicalise'.

The middle paragraph, which starts "While this prevents the use of programmes". Have you got that? Page 8. --- Yes, that is right.

The 5th line? --- Yes.

Then the next strategy he suggests is informat- 20  
ion gathering and sharing, and his suggestion is that selected persons be sent to South Africa on a regular basis as observers and information gatherers. The next strategy he suggests is in respect of trans-nationals, banks and the investment issue. --- Yes.

And on page 11 in the second paragraph, 8th line, he says:

"If we want business to work against apartheid, we must work for a situation in which it is no longer financially feasible or sufficiently secure 30  
for/...

for continued investment in apartheid".

Do you see that? --- Yes.

And he says, if the businesses do not want to take a stance against apartheid, in the next paragraph, the churches can and should take a moral stand towards business and their involvement in South Africa. And on page 12 he comes to one further strategy, and that is, the most important task of all for overseas churches is to teach their own membership about the struggle in South Africa. In other words, to create awareness. --- Yes. 10

Now, did you work with The Reverend Barndt in the compilation of this Southern Africa study project? --- I do not think I worked on this part.

On which part did you work? --- I do not even - the first part that was sent to me for comment, but we had a discussion in Germany on the theological issue of resistance, on Ephesians. There was - we met in Germany on that, and as I said, that I always insist that you have to take your own decisions; you cannot expect us to take decisions for you. 20

Is there anything you disagree with in section D, on the basic summary that we have just dealt with? --- Section D?

That is the strategies? --- M'Lord, I would have to study this carefully. I would think that the SACC is here judged from a person from outside, and if you want to ask whether this is a correct evaluation, you must - one has to ask the SACC itself first, and that would have to go to the General Secretary who has had - expressed his opinion on this matter, but one should not take 30

a report of a visitor on the role of the SACC as something which the SACC says itself.

No, I am sorry, Doctor, you are misunderstanding my question. My question relates to the strategies that the gentleman suggests to be implemented to effect the liberation or fundamental change in South Africa. --- M'Lord, I agree with this paper insofar as the whole question of economic relationships is an ethical issue, and has to be considered. Whether I agree in every detail, that I would have to check first and it would require quite 10 a lot of thought, because this has been worked out by him, but I would agree that the question of economic relationships, also in international sense, is an ethical issue, and that has been stated by the SACC. The SACC has stated, there are various opinions on this, but all agree that it is an ethical issue, and some plead for economic pressure, others plead for other strategies.

CHAIRMAN: Well, you can use the interval between now and tomorrow to study that. The Commission will now adjourn until tomorrow morning at 9.30. 20

THE COMMISSION IS ADJOURNED