

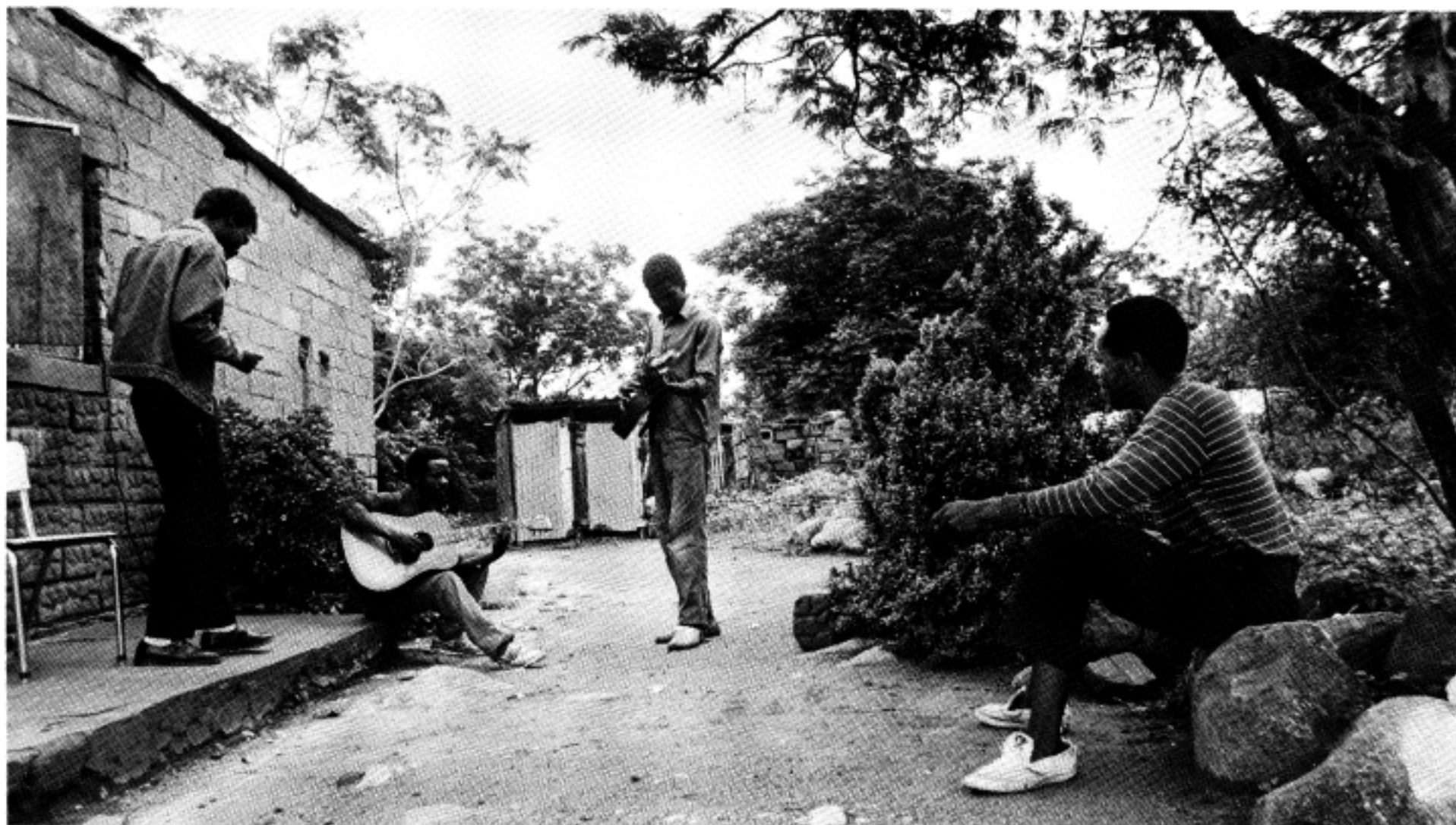
Volume 34 Number 3 January 1992

SASH



THE LAND QUESTION

**APARTHEID'S EARTH LEGACY
LAND OWNERSHIP AND THE RIGHT TO SHELTER
THE DAY THE BLACK SASH TOOK ON BOP
THE TAXI WAR AS A TACTIC**



Gill de Vlieg

Above:
Living in Oukasle, a reprieved township
outside Brits, Western Transvaal.
Opposite:
Threatened with removal but making
scones in Machakaneng.

Volume 34

Number 3

January 1992

SASH

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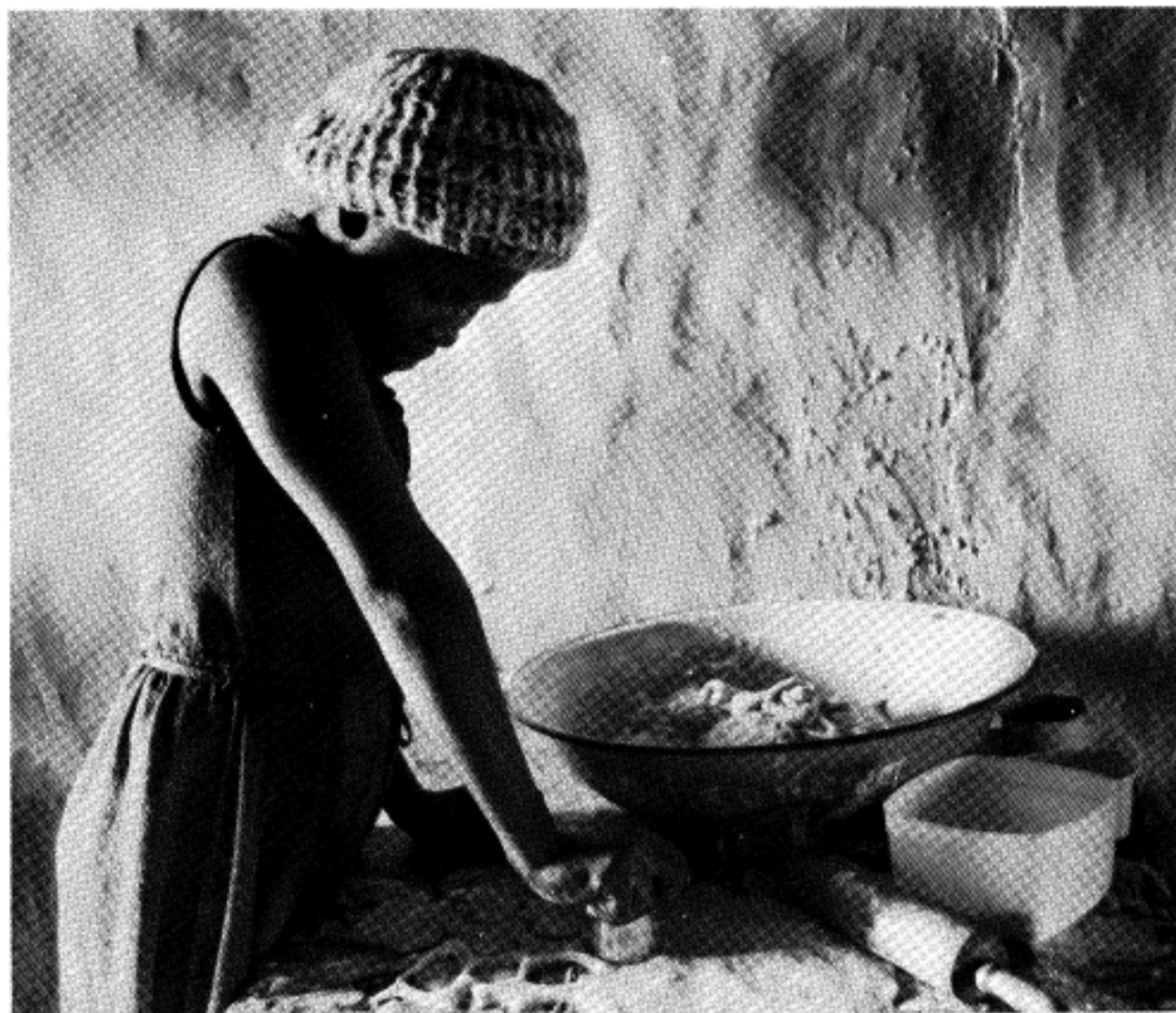
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SASH magazine

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editorial

'Six years you shall sow your land and gather in its yield; but in the seventh you shall let it rest and lie fallow. Let the needy among your people eat of it, and what they leave let the wild beasts eat ...'

(Exodus 23.10 and 11)

'Six years you may sow your field and six years you may prune your vineyard and gather in the yield. But in the seventh year the land shall have a sabbath of complete rest, a sabbath of the Lord ...'

(Leviticus 25.2-4)

The message is thousands of years old and rooted in caring – for the environment and for those, human and animal, rich and poor, who inhabit it. It is as relevant now as it was then but it is increasingly ignored by people who lay claim to 'civilisation' but who, in the pursuit of greed, use latter-day laws and sophisticated technology to disinherit their compatriots and destroy their heritage.

Much of this issue focuses on what, in these transitional times, has become one of the crucial debates – the question of land, its allocation, its preservation and its restoration to those who, through the long, eroding and corrupting apartheid years, have been deprived of what was theirs.

We focus on the plight of communities who have been robbed of their inheritance; on the plight of land leached beyond endurance by the overpopulation induced by homeland and influx control legislation, by poverty, ignorance and deprivation. We look at issues of priorities in land reform and the vexed question of whether property interests should be enshrined in a bill of rights.

No conclusions are reached. The intention is simply to throw some light on the debate and raise some questions in the minds of those who are moving towards and thinking about a new dispensation.

And in the process of examining our relation to the land, we should consider that the notion of ownership of the land has not always been a given. As she looks at the question of property rights, Sheena Duncan quotes Leviticus (25.23-24) in this regard: '... the land must not be sold beyond reclaim, for the land is Mine; you are but strangers resident with Me. Throughout the land that you hold, you must provide for the redemption of the land.'

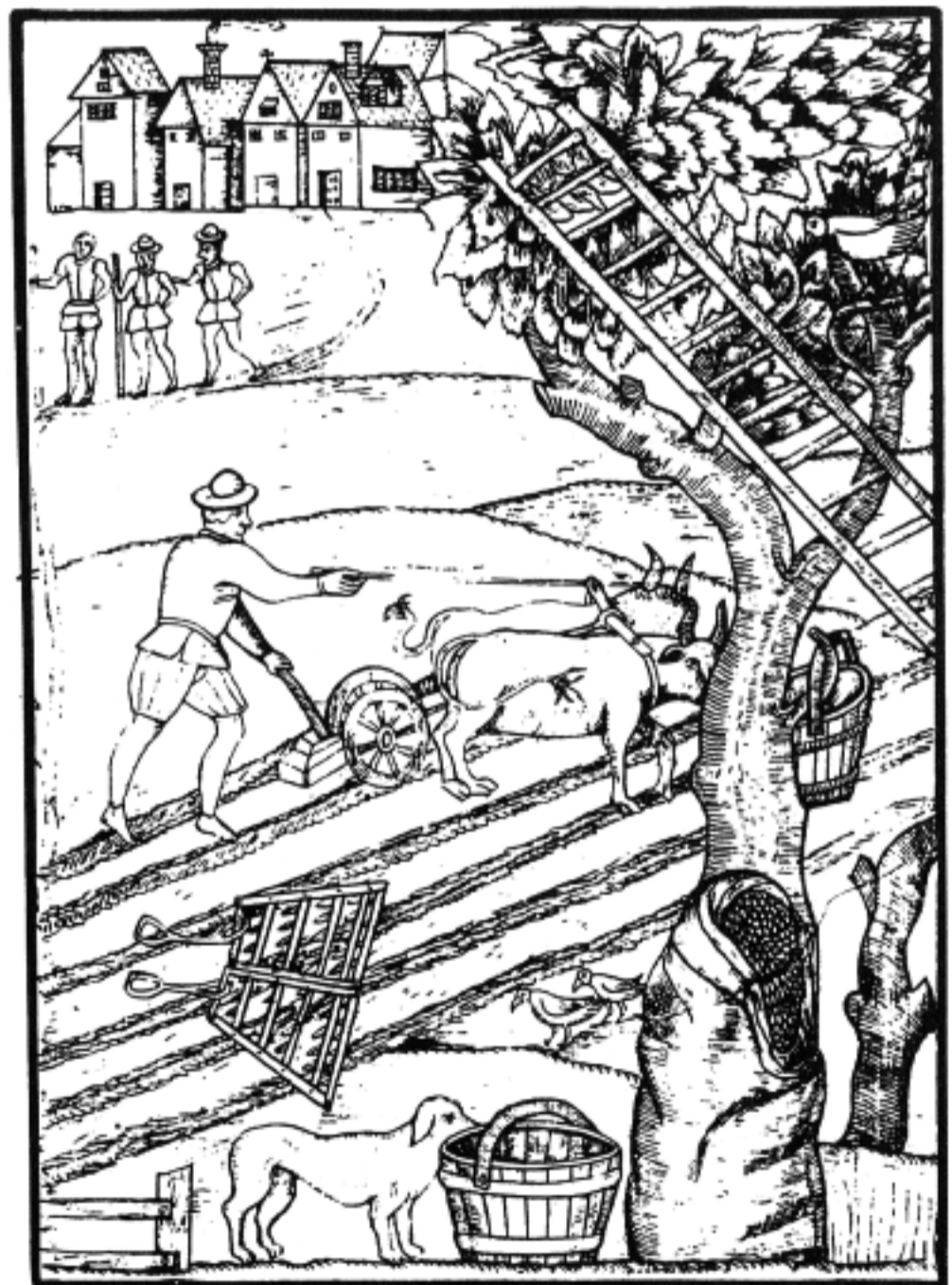
The understanding that human beings are stewards rather than owners of the land may be the basis for a creative solution to the redistribution debate. In this first of the articles on the land issue prepared by the Transvaal region of the Black Sash, Sheena Duncan examines the contentious issue of property rights

the right to private property or the right to shelter?

'The inevitable clash will occur over property rights, and it cannot be expected that either side will back down without a fight. Vested property interests – like those of the monarchy, nobility and clerics of revolutionary France – will attempt to thwart the ambitions of the newly enfranchised population as far as possible. One of their principal weapons of defence will be the bill of rights, and the various courts of law which will be called upon to enforce it.'
[Donald Leyshon, *Leadership*, vol. 9, Dec./Jan. 1990/91]

Approximately seven million South Africans are without adequate shelter – 'adequate' being defined only as protection from the elements and security of tenure.

This is *not* the consequence of the lifting of influx control but is the result of the freeze on the provision of family accommodation for black people in the urban areas and the rigid enforcement of the migrant-labour system, both of which were intensified by the National Party government in 1968.



'... use of the land for the production of food for family, community and nation'
16th century scene from *A Book of Diverse Devices*

'Should any person be allowed the constitutional protection of ownership of property which was unjustly taken away from others ...?'

Over 86 per cent of the land area of South Africa is owned by 25 per cent of the population, most of them white – private individuals, large corporations and the state. Most of the 14 per cent set aside for occupation by the black population is also owned by the state with ownership vested in the homeland governments.

The repeal of the land acts and the Group Areas Act will enable some wealthy people who are black to acquire property, but will not make any difference to the dispossessed in the foreseeable future.

Much of the land owned by white interests is not used. It was purchased with a view to future profits and lies fallow around the cities and in rural areas as an easy means of enrichment in the future, or as a tax advantage in the present.

The dispossession of black people has been a pattern throughout the 340 years of white colonial occupation of South Africa. In the 20 years between 1960 and 1980, more than three million people were removed in terms of the government's resettlement policies and the Group Areas Act, from land and property which they owned, or occupied and used.

To enshrine the right to private property, subject only to the concept of 'fair compensation' in the event of expropriation, in a constitutional bill of rights will, in the present situation in South Africa, enshrine and perpetuate injustice – an exceedingly dangerous thing to do. A bill of rights which seeks to entrench the *status quo* will inevitably be ignored and overturned however valuable its provisions may be.

What, for instance, would constitute 'fair compensation'?

- Is it what the purchaser paid for the property at the time of purchase – with or without an adjustment for inflation?
- Is it what the person or community which was dispossessed was paid in compensation – if they were paid at all?
- Is it current market prices – grossly distorted

as they are by the fact that land has been held unused for long periods and, in consequence, market forces have been manipulated to ensure a shortage of a finite resource?

Has any person the right to own land which he or she does not use and to seek constitutional protection to keep those in need of land for shelter or food production from making use of it?

Should any person be allowed the constitutional protection of ownership of property which was unjustly taken away from others (in the absence of any recognition of human rights or their constitutional protection) to the exclusion of claims for restoration, restitution or, at the very least, reparation?

Surely the debate must begin with the prior right – the right of people to basic protection from rain, wind and heat, the right to privacy and security of tenure, the right to the use of land for the production of food for family, community and nation.

Only if these factors are taken into consideration can we start to construct a bill of rights which will enable these needs to be met in the future.

To take as the point of departure the enshrining of the consequence of past injustice is to perpetuate that injustice and to make it almost certain that a future democratically elected government will be unable to fulfil the aspirations and demands of the deprived majority. That will, in turn, lead to the collapse of all order, and bloody revolution.

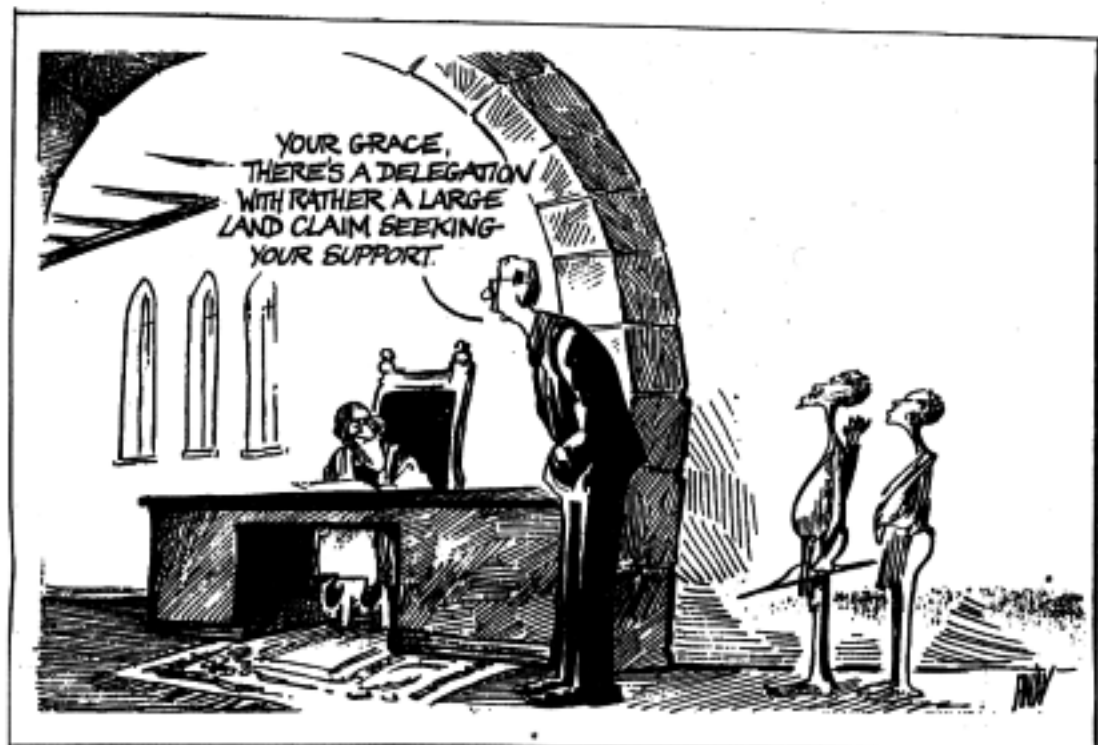
So, we cannot protect the rights of existing property owners at the present time in South Africa. Those rights are in direct conflict with the right of the homeless and landless to shelter and the means of production.

We can, however, look for creative ways in which we can address the problems of bringing into being a just social order. These solutions do not have to entail nationalisation which is expensive to introduce and non-productive in its long-term results.

We must recognise the difference between 'ownership' and usage. Ownership as defined in laws inherited from Europe is a concept foreign to the people of Africa who understand land as being something given in trust into the stewardship of the present generation by the ancestors for the benefit of future generations. It is to be used and preserved to that end and for no other purpose.

This understanding is exactly the same as the biblical understanding of land in relation to society and is the common inheritance of all those brought up in the Judeo/Islamic/Christian traditions:

'Your land must not be sold on a permanent basis, because you do not own it; it belongs to God, and you are like foreigners who are allowed to make use of it.' (Leviticus 25:23)



Courtesy ANDY/The Star

We need to note that the people we call 'squatters' rarely move on to land that is being used. The land they occupy is land that is indeed 'owned' but is not being used in any visible way. It is 'empty', just as the history books have taught our children through the years of apartheid and before that the land appropriated by white settlers and trekkers was 'empty'.

Ironically, perhaps the way forward for us is that designed by the private sector, through the efforts of the Urban Foundation, when they persuaded the government to introduce the 99-year leasehold system in 1978.

That, of course, did not affect land owned privately but led to a form of secure tenure on land owned by the state and its various agents in black urban townships – the administration boards, later development boards, and still later black local authorities.

This is an absolutely secure form of tenure which begins the 99-year cycle again at each transfer of a house through sale or inheritance. The land itself remains the property of the state which can be translated as 'the people' or 'God' according to one's own interpretation of words and ideologies.

What if that concept were to be enshrined in a bill of rights extended to all owners of unused land? Some legal instrument needs to be devised which would compel all owners of unused land to confer a secure leasehold title on those who will use the land for shelter or production.

Existing rights of ownership would not be violated and rules could be legislated to ensure that if the owners needed to terminate the leasehold agreement for purposes *in the public interest*, they would have to prove the necessity in the courts and offer just compensation to those who would have to be moved.

That would be a more appropriate way of protecting the rights of ordinary people against the powers of the rich or the powers of government. It would approximate more closely the concept of the jubilee year:

'Count seven times seven years, a total of forty-nine years. Then, on the tenth day of the seventh month, the Day of Atonement, send a man to blow a trumpet throughout the whole land. In this way you shall set the fiftieth year apart and proclaim freedom to all the inhabitants of the land ... In this year all property that has been sold shall be restored to its original owner. So when you sell land to your fellow Israelite or buy land from him do not deal unfairly. The price is to be fixed according to the number of years the land can produce crops before the next Year of Restoration. If there are many years the price shall be higher, but if there are only a few years the price shall be lower because what is being sold is the number of crops the land can produce.' (Leviticus 25)

Perhaps that is what guided the Urban

Foundation in its efforts in the late seventies ... perhaps not! It certainly is a blueprint for leasehold rather than absolute ownership.

And it is a sound foundation for constitutional thinking in South Africa at the present time if we are to secure people in all the various forms of tenure which exist at present and make sure that they will not be further dispossessed in the future by a bill of rights which entrenches the injustices of the past. □

Sheena Duncan is national advice office co-ordinator of the Black Sash and a former national president.

'[The leasehold system] ... is an absolutely secure form of tenure which begins the 99-year cycle again at each transfer of a house through sale or inheritance'.

Land and Shelter

Statement issued from the Black Sash national conference held on 3 March 1991

The issue of fair and equitable access to land and shelter must be addressed in the process of creating a new, just and stable South Africa.

This is a matter of considerable legal and emotional complexity. It is a major point of conflict now, and will continue to be so until a broadly accepted national policy can be established which effectively acknowledges – and fairly addresses – contending claims for the right to land and shelter including those which are not necessarily based on the Western concept of private property and title deeds.

The Black Sash believes that:

- all people are entitled to safe, secure and affordable shelter in an environment that provides opportunities for work and fulfilment of other basic needs;
- the process of developing an appropriate national policy on land and settlement must be based on the participation of all affected parties; and
- actions must not be taken now which preclude implementation of fair policy in the future.

With the above in mind, the Black Sash

- calls for a moratorium on the sale or lease of state, public and para-statal land, if that transaction effectively removes land from a process of equitable distribution;
- calls for a moratorium on the arrests for 'squatting', evictions and demolitions of existing dwellings, and removals in the absence of a suitable alternative;
- calls for the amendment of the Prevention of Illegal Squatting Act so as to afford the homeless assistance rather than persecution;
- commits itself to a long-term campaign to inform itself and the wider community on the range of contending perspectives on land and the right to shelter.



apartheid's earth legacy

The irony and the tragedy of the heated contest over land is that so little of this frail resource is arable and so much is damaged beyond repair. Lesley Lawson took the pictures and tells the story.

Viewed from the air, the hills of Natal bear vivid witness to the legacy of apartheid. At first they are topped by burnt-out circles, where homesteads have fallen in fiery battles. Then the hilltops begin to bleed with soil erosion; here there are vast stretches of shacks, further on, the rolling fields of sugar cane.

The apartheid years have left a torn and wounded land. They have created a divided agricultural system both sides of which have serious inbuilt environmental problems. They have also laid the basis for irrational urbanisa-



The Jukskel River flowing through Alexandra township in Johannesburg, 1991

Lesley Lawson/Southlight

heid policy. Today the average amount of potentially arable land in the homelands is 0,2 hectares per person. The equivalent in white farming areas is nearly 20 times more (2,9 hectares per capita) (Christodoulou and Vink, *The Potential for Black Smallholder Farmers*).

Abednego Mvelase, a rural fieldworker in the Herschel district of Transkei, describes it like this: 'The Land Acts squashed us in here like sardines. Our people are growing in number, but the land stays the same size.'

In fact he is wrong. The land is actually shrinking. This ongoing enforced ruralisation had a direct and immediate effect on the quality of the land which was already too scarce to support a viable rural economy. Overpopulation, overgrazing and inappropriate land use have led to serious soil erosion in large parts of Transkei, Ciskei and KwaZulu. Dongas and sheet erosion take the place of grass and trees, leaving the land unusable.

Creina Alcock, writing about erosion in the Msinga district of Natal, says: 'Old fields have vanished completely ... opening up extraordinary expanses of stone. Bedrock is beautiful, although there is a strangeness walking on solid currents ... In 100 years a centimetre of dust will have grown from the rock. In 10 000 years there could be soil to plough. Rock is not motionless. But for a man in a hurry, bedrock is the end of time. When he hits bedrock, he is face to face with nothing.'

Overcrowding and poverty have damaged the land in other ways. Many rural people rely on wood as their major source of energy. Over the years densely populated areas of the homelands have become stripped of trees, leaving the bare hillsides even more vulnerable to erosion. For example, of 250 woodlands identified in KwaZulu 50 years ago, only one-fifth remain. In the QwaQwa homeland there are no forests left at all.

The shrinking of the forests creates terrible hardship for rural women who must walk for hours a week to fetch firewood. A 1986 study in Ciskei, Transkei, Lebowa and Gazankulu showed that the average round trip for wood varied from 5,6 to 9,4 km (Eberhart and Gandar, *Energy, Poverty and Development in South Africa*).

Soil erosion and deforestation in turn affect the country's river systems. The role of trees in catchment areas is to regulate the flow of water – without them we are prone to flash floods and drought. In addition, the topsoil lost by erosion lands up in the rivers in the form of silt, and exacerbates this process. Many of South Africa's major rivers run through or originate in the homelands. The Tugela, Caledon, Orange, Fish, Crocodile and Letaba rivers have all been affected by erosion (Cooper, *From Soil Erosion to Sustainability*).

Without grass, soil or trees the homelands have become barren homes indeed. Ecosystems have been destroyed and many of the natural plants and animals have long since been lost. In some areas it has become difficult to find grass for thatching, or medicinal herbs. And it is no longer possible for the hungry to live off the flesh and fruits of the bushveld.

One Transkei farmer, Notobela Siyatsha, who has lived in Sunduza village all her life said: 'I am so worried about the soil erosion, because if the ground keeps on going, how will we live? We have no factories here. The soil is our factory and our whole life is tied to it. I can still remember when there were trees everywhere and the soil was good.'

In the white heartland, erosion is also taking its toll. A recent Department of Agricultural Development study has shown that at least 9 million hectares of arable land and 21 million hectares of grazing land in the white farming areas is currently subject either to wind or water erosion. Of this, some 11 million hectares – or 13 per cent of total white farming land – has been damaged by mild or severe erosion.

The cause in this case is inappropriate land use, much of which has been encouraged by decades of government affirmative action policies. From the 1930s agricultural subsidies were designed to help poor farmers survive. By 1970, these subsidies made up 20 per cent of the average farming income. By 1991, although the subsidy policy had changed, the agricultural debt amounted to over R17 billion. Rural researcher David Cooper writes: 'Rather than helping agriculture as a sector, the subsidies have retarded its productivity by keeping poor "unscientific" farmers on the land.'

tion patterns which have destroyed good farming land and are threatening the quality of water and air.

Homeland and influx control legislation created a period of ruralisation which is contrary to all world patterns. Between 1960 and 1980, the official figures, quoted by Wilson and Ramphela in *Uprooting Poverty, the South African Challenge*, show that the population of the homelands increased from 4,5 to 11 million. Much of this increase was caused by apart-



Lesley Lawson

Soil erosion in the Herschel district of Transkei

Some of the subsidies actively encouraged farming practices which were economic and ecological suicide. For example the maize subsidy – combined with a few good wet years – encouraged farmers to grow maize in unsuitable parts of the Transvaal and Orange Free State. In the drought years of the 1980s these areas began to collapse.

Karoo farmers have also abused the land. Huntley, Siegfried and Sunter estimate that these farmers have overstocked their farms by about three million sheep. (Huntley, Siegfried and Sunter, *South African Environments into the 21st Century*) This is contributing to the eastward encroachment of the Karoo desert. Bushveld and grassveld systems in white rural South Africa are also under pressure. Huntley *et al.* estimate that the carrying capacity of 14 million hectares – equivalent in size to Transkei, Bophuthatswana, Venda and Ciskei – is rapidly decreasing because of bush encroachment.

Ironically the lifting of the very legislation which condemned people to

life in degraded rural slums has led to a whole new range of environmental problems. Since the 1986 abolition of influx control, we have witnessed rapid urbanisation. The Urban Foundation estimates that some 750 000 are moving into the urban areas every year. The majority of these people cannot be accommodated within the formal townships, and have made their homes in shacks on barren pieces of land outside the city. About a quarter of the country's population is now living in these squatter camps. This is land which, in a more rational society, is ideal for market gardening and other types of 'urban' agriculture.

For the residents of the camps, the lack of housing and service infrastructure – water, sewage, electricity, refuse removal – makes for a miserable quality of life. It is also threatening the quality of the water and the air for the whole of South Africa. Air pollution from informal and formal coal stoves hangs over the townships in the Vaal triangle where acute respiratory infection is becoming a major cause of child deaths.

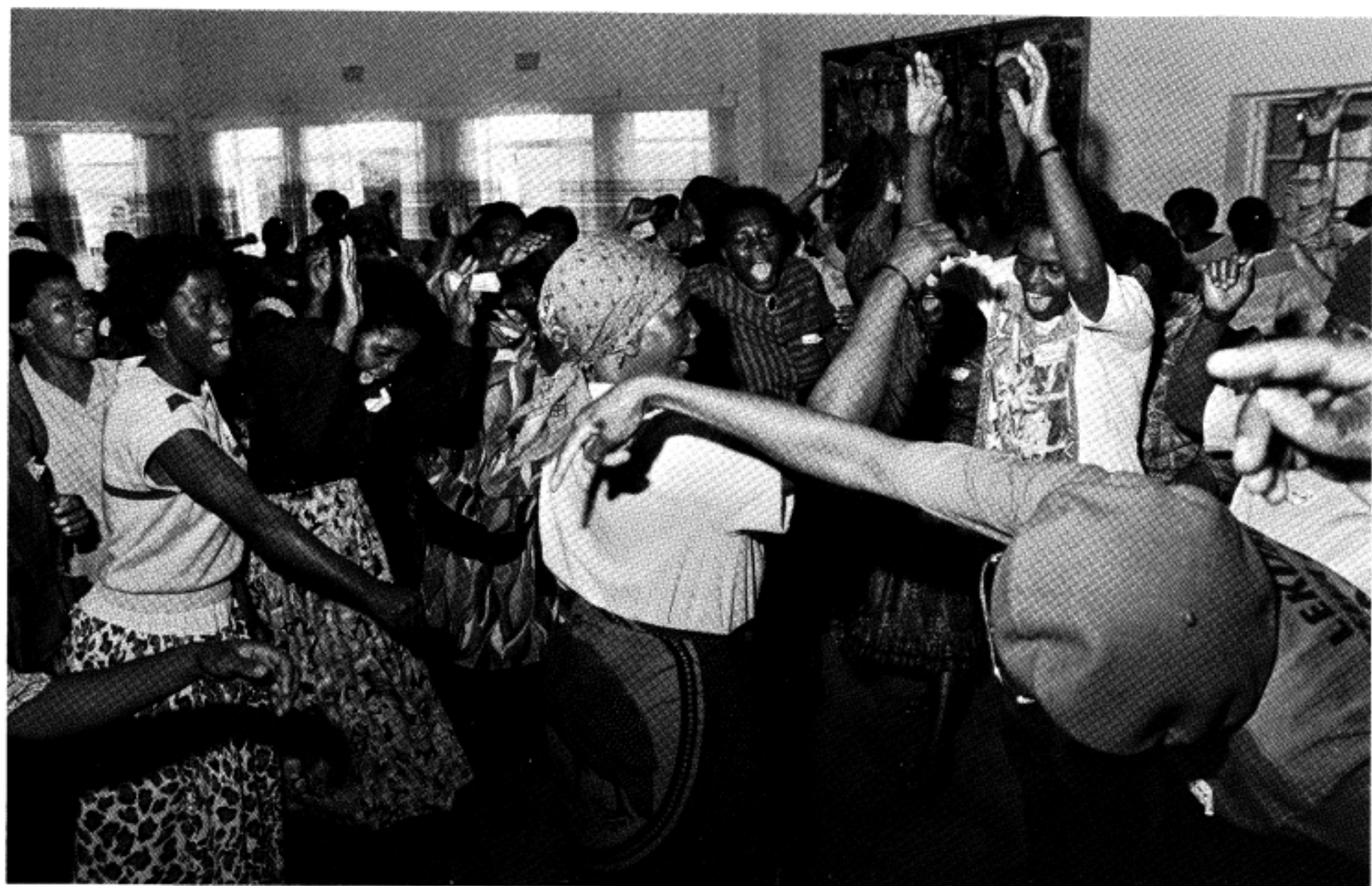
A recent study has shown that the quality of water in the Pretoria-Witwatersrand-Vereeniging area is deteriorating. Researcher Henk Coetzee

writes: 'Urban settlements have a massive impact on water quality. Runoff effluent and seepage all affect raw water quality.' A Centre for Scientific and Industrial Research study in the greater Durban area has also shown a high degree of faecal contamination from the runoff from informal settlements.

It would be wrong to think that the apartheid system is entirely to blame for all of this. South Africa's environmental problems are also rooted in the fact that we have a poor resource base. Our climate is dry and erratic; soils are thin and fragile. We have untrustworthy rivers and insufficient ground water. In fact only about 11 per cent of our land is arable.

But the very frailty of the resource base is reason enough to expect a government to structure land and agricultural policies on principles of environmental sustainability. However, decades of planning have been in the service of an ideological vision of the future – and in this process the land itself has been hurt beyond repair. □

Lesley Lawson is a writer and photographer with a particular interest in the environment.



Gill de Vlieg

organising rural women

Rural women, primary caretakers of the land, are beginning to assert their rights. Among their demands are equal rights to the land for women and representation in land-policy decisions. Lydia Kompe and Janet Small document an emerging force.

It has become something of a cliché to say that rural women in South Africa are the most oppressed of the country's peoples. But while this fact may be generally accepted, most people have little understanding of what it means in reality and, like other facts of life, such as the drought in the Eastern Cape, observers believe the situation is unchangeable, an unpleasant natural phenomenon.

Women themselves, though, are far from passive victims accepting their oppression. Though women in remote

rural areas often have little power or resources to challenge their material and psychological oppression, in the Transvaal Rural Action Committee's (TRAC) experience, they are both acutely conscious of the problems and constantly seeking ways to change their circumstances.

Recently, when TRAC fieldworkers were discussing the question of water supply in the villages of Moutse in the Northern Transvaal, a local activist told of direct action taken by a group of women. There is only one borehole

in the village of Mpeleng which provides drinking water. The pump regularly breaks down leaving residents without water until officials from the Department of Development Aid send a technician to fix the pump, which might take a couple of weeks.

In September 1991, a group of 200 women marched to the local Department of Development Aid office and delivered a petition demanding better maintenance of the water pump. There was no reporting of this event in newspapers. When we asked the activist why the press was not informed, he said the women did not want to delay their planned action while the press were contacted. The march was an organic action, arising from the daily experience of suffering in women's lives.

This example gives some insight into the basis of women's organisation in rural areas. Traditionally women are members of burial societies and church clubs. Through these forums, they give each other and receive from each other material assistance. TRAC fieldworker Lydia Kompe has been building on these foundations in the years she has been working with communities which have engaged in struggles to resist forced removals and incorporations.

'Women have to carry the full responsibility of the rural household, but in many instances they have not been given the authority needed for decision-making.'

It is well documented that because of the apartheid policies of influx control and migrant labour, women have ended up the majority of residents in rural areas. They have had to carry full responsibility both for managing the household and for any agricultural subsistence.

Betterment policies, forced removals and incorporations into homelands have had a serious impact on people's access to land and ability to engage in viable agriculture. In earlier times, there was a strict gender division of labour between men and women in the household and in agriculture. The social relations in the family have been affected by the destruction of the household as a self-sufficient entity. Women have to carry the full responsibility of the rural household, but in many instances they have not been given the authority needed for decision-making. In some ways their position has become even less empowered.

With the community-threatening crises of forced removals and incorporations, it was the women who faced the bulldozers and policemen. The women had the confrontations with officials and received the eviction notices. It was also the women who had to sustain the community in the dreadful process of resettlement. They had to reconstruct homes, find schooling for children and places to shop.

In TRAC's experience, women were usually the fiercest resisters because they stood to lose the most. The men were full members of the community, but left most weeks for work in a neighbouring town. The day-to-day existence of the community was in the hands of the women and the old people.

Traditional community decision-making structures such as the *kgotla* (community council or committee) most often comprise older males representing the family groups or *kgoros*. The *kgotla* discusses the situation, assesses all information and decides on community strategy. Since in many times of crisis the decision-makers were absent, they had to rely on reports from their wives or sisters. TRAC fieldworkers were able to use this ab-

surd situation to promote the importance of including women in the actual discussions.

It was exactly such a situation that allowed the Mogopa women to get formal representation on the *kgotla* – a most unusual event. TRAC has worked with women's groups in many communities, but in few other cases has this work resulted in women gaining formal representation on such bodies.

The involvement of the women together in the struggles has had an important impact on their consciousness. For example, Braklaagte in the western Transvaal, which was forcibly incorporated into Bophuthatswana, has a strong women's group. They organised a stokvel or money collection which was used in times of crisis to bail children out of jail, pay for transport of injured to hospital or convey supporters to court cases. The ability of the women to finance such activities which were of general community concern helped to promote their standing in the community and to bolster their self-esteem.

In the 1990s, rural communities are facing fewer old-style apartheid forced removals or incorporations. Instead TRAC is being asked to assist with issues like reclaiming land, developing neglected rural areas, negotiating with local authorities for resources and considering policy options for the future. The women's groups that began or grew during the crises are still in place. Their concerns now are the conditions under which people live today.

TRAC has hosted forums for women from distant rural communities in the Transvaal to meet together and talk and the issues arising are wide-ranging. The women speak of the poor infrastructure which makes their lives so hard – inadequate water supply, poor health services and few educational opportunities for their children or themselves. They have a well-developed consciousness about national political issues and about domestic matters. Many of them are active supporters of political organisations such as the African National Congress (ANC), but they express the need for a

forum or association of rural women which could deal with the real 'bread-and-butter' problems in their lives.

The Rural Women's Movement

In April 1990, sixteen women's groups which had worked with TRAC in the past met for a weekend workshop in Matjakaneng, near Brits. After comparing information about their areas and histories, the women decided they wanted to formalise some kind of rural women's association which would bring women together from time to time. The Rural Women's Movement, a loose structure of women's groups, was born.

At a follow-up meeting in October 1990, an executive structure was elected. This executive has held three meetings in 1991. Members of the executive felt that groups with which TRAC has contact in the northern Transvaal should be drawn into the structure.

TRAC held two workshops in the north – the first, in December 1990, brought five areas together and resulted in the election of three more executive members. At that workshop, the women discussed the situation in their areas and examined ways of strengthening their groups. There was much discussion about demands for rights in a future South Africa.

The northern Transvaal has strong traditions of tribal authority and the women spoke about the 'strong repression' of women by chiefs. They did not reject the system of chiefs completely, they merely wanted the chiefs to recognise and support women's efforts to organise. The participants also discussed the problems with some of the local practices such as polygamy which can cause terrible conflicts between women. Delegates felt that women's lack of independent access to land in rural areas has been one reason why women have agreed to polygamous marriages.

The second northern Transvaal workshop, in May 1991, was for women's groups from Moutse, a large area comprising 43 villages near Groblersdal. Common problems about water supply, no access to land, poor health facilities and inadequate educational opportunities came up in reports from the groups. Women agreed that strong organisation was the only way to tackle these problems. They discussed strategies for approaching the

local tribal authority to get support to take up these struggles. They also suggested future policy changes which would address these problems in the longer term.

Delegates asserted that women should have independent rights to land, and women should be represented on the land distribution mechanisms. Many opinions were aired about the oppressive aspects of tradition which affect women. It was strongly felt that though this was a difficult issue to tackle, because men felt threatened, it was the responsibility of women to try and change oppressive practices in the interests of their daughters' futures.

A draft constitution for rural women

The Rural Women's Movement executive drew up a draft constitution in June 1991. The proposed constitution outlines the following aims:

- To create forums for rural women to unite against oppression;
- to demand that women have equal rights to land;
- to encourage women to be self-reliant, independent and creative;
- to achieve a situation in which women have a say in political matters at a national level and in our communities;
- to help women gain access to literacy, adult education and training to improve their lives;
- to acquire resources to develop rural areas which would improve women's daily lives;
- to provide opportunities to bring rural and urban women closer.

The Rural Women's Movement sees itself open to all oppressed rural women in the northern Cape and Transvaal who wish to join the struggle for women's rights. It is an important start in the struggle for empowerment of a group of people who have no intention of remaining forever oppressed. □

Janet Small and Mamlydia Kompe are TRAC fieldworkers.

goedgevonden: a case study

The 7 000 people of the Goedgevonden community are among the millions whose struggle against forced removal and dispossession continues. Geoffrey Budlender of the Legal Resources Centre outlines their embattled situation.

From 1947 the Goedgevonden community, about 7 000 people, lived and farmed on several Ventersdorp farms owned by the South African Development Trust. As was common in such areas, the people regarded the land as their own, although they were not formally the owners.

A forced removal takes place

In 1978 the community was removed against its will to the areas of Vrischgewaagd and Gannapan, in terms of the 'homeland consolidation' policy.

After they had been moved, not all the land which had been promised was made available to them. Their situation was aggravated when additional people were put on part of the land allocated to them. A once self-supporting and contented community found itself reduced to an unproductive and destitute condition.

The government leased the land at Goedgevonden to white farmers, who use it for grazing. Thus far the Legal Resources Centre (LRC) has seen only one of these leases, which provides for a monthly rent of less than 17 cents per hectare. The other leases are apparently in similar terms. The leases are subject to one month's notice.

The settlement areas are incorporated into Bophuthatswana without the consent of the community

In 1984 Vrischgewaagd and Gannapan were incorporated into Bophuthatswana – without consultation with the community, and without its consent. Because of its opposition to incorporation into Bophuthatswana, the community has continually found itself at loggerheads with the Bophuthatswana authorities. The authorities refuse to allow them to hold meetings, and the police have acted harshly against them.

For many years, the community made repeated attempts to resolve its problems through negotiations with the South African government.

The Legal Resources Centre writes to the state president asking for a meeting on the matter

On 2 February 1990 the community's attorneys (LRC) wrote to the state president describing the community's problems, and asking for a meeting with him or a member of his cabinet to discuss the matter.

On 10 May 1990 the deputy minister of Education and Development Aid (Piet Marais) replied that '... it will not

be possible for me to grant you or your clients an interview, due to the fact that they had no land rights at Goedgevonden and Velgevonden and that the farms Vrischgewaagd and Gannalaagte are now incorporated into Bophuthatswana ...'

The letter suggested that the community direct its complaints to the president of Bophuthatswana.

On 29 May 1990 the LRC wrote to Mr Marais pointing out that past attempts to negotiate with the Bophuthatswana authorities had not only been fruitless, but had compounded matters, as the community had been visited with harsh retributory measures. The letter urged the deputy minister to reverse the attitude expressed in his letter, adding:

'In the light of what our clients perceived to be the South African government's betrayal of them; your refusal to meet with them; and now the advertising for sale of the farms referred to above, we are instructed that our clients have resolved to return to the land on which they were living prior to their removal to Vrischgewaagd and Gannapan. Despite advising them of the consequences of this course of action, they appear to be quite fearless in their resolve. We have urged our clients not to embark upon this course of action, at least pending your response to this letter. The disastrous consequences, for all concerned, of an unsympathetic response from the South African government at this stage need hardly be stated.'

The government refuses to meet; the community returns to the land

The government response was contained in a letter dated 7 August 1990 from Mr Marais:

'I have to inform you that as your clients live in the independent country of Bophuthatswana, it would be inappropriate and totally irregular for me to agree to meet them for discussions.'

Its efforts to resolve its desperate situation through negotiations having failed, the community decided to move back to Goedgevonden. On 11 and 12 April 1991 about 400 people moved on to the land at Goedgevonden and started building their homes.

The Department of Agriculture then sealed off the area. A water truck provided by Operation Hunger, a state health mobile clinic and trucks containing basic food supplies have not been allowed on to the land.

An eviction order and the right to appeal are granted

The state attorney – representing both the minister of Agricultural Development and the white farmers who had rented the land and adjoining farms from the government – made an urgent application to the Supreme Court for the eviction of the Goedgevonden community. Mr Justice Goldstein ultimately granted an eviction order, but made the following remarks:

'Given the profoundly tragic history of this matter, no court can grant an order for eviction in the present circumstances affecting hundreds of people without feelings of distress and anguish. But the principle at stake here is a cornerstone of the rule of law. The principle that no man may take the law into his own hands as the respondents have done is sacrosanct ... It existed long before the misfortune which dispossessed the respondents was conceived of, and hopefully, it will continue to exist and be respected long after that misfortune is corrected, and it and their pain are no more than a blot on the pages of our history books.'

Judge Goldstein also remarked, in relation to the government's refusal to meet community representatives: 'It seems to me that the government committed an error of judgement in adopting this attitude. The fact that the respondents were living in Bophuthatswana did not detract from the fact that their grievance related to events in South Africa and that they laid claim to ground in this country, both of which vitally concerned the South African government. Perhaps timeous negotiations which the respondents wished to engage in could have avoided the crisis which has arisen here.'

Judge Goldstein gave the community leave to appeal to the Appellate Division against the eviction order. This means that the eviction order is stayed until the appeal has been decided. This will probably happen in 1992.

The AWB threatens the community

Meanwhile, on 18 April, the Afrikaner Weerstandsbeweging (AWB) and the local member of parliament held a public meeting at Ventersdorp. At that meeting an ultimatum was issued: unless the Goedgevonden community members were removed within 30

days, the AWB would remove them.

On the night of 10 May a large group of white farmers, apparently from a wide area, made two attacks on the community. They were repulsed by the police and thereafter attacked a neighbouring black community.

Community members made an urgent application to the Supreme Court for an order interdicting the AWB and Mr Eugene TerreBlanche from attacking them. In due course, an interdict was granted.

The community representatives and the 'task force' meet

During the court proceedings, community members and LRC and Transvaal Rural Action Committee (TRAC) representatives finally obtained the long-sought interview with the government. They met three cabinet ministers (Justice, Development Aid and Agriculture) and two deputy ministers. The government representatives stated that a 'task group' would be set up to negotiate with the community.

The task group, it emerges, is a sub-committee of the crisply named 'Committee for the Co-ordinated Handling of State Owned Land for Agricultural Purposes'. The chairperson is Gilles van de Wall, former director general of the Department of Development Aid.

At the end of August community representatives met the task force. Since then they have had three meetings with the task force in which they have pressed the community's claim for the restoration of their land.

A curious aspect of this procedure is that the government appears to be bypassing its own Advisory Commission for Land Allocation, which is created by the Abolition of Racially Based Land Measures Act.

Whether the community representatives make submissions to that commission will depend on what success they have in the current meetings with the task force. □

Geoffrey Budlender is deputy national director of the Legal Resources Centre.



Gill de Vlieg

the day the black sash took on bop

When a posse of Transvaal Sashers set out for a quick little protest action in Bophuthatswana, they thought they would picnic in a scenic spot on the way home. It didn't turn out like that, says Pat Tucker.

Ethel never did get to see *Henry V* or join her friends for dinner, though she made good progress on the intricate, pastel-shaded (and miraculously spotlessly clean) baby blanket she was knitting. The picnic was eaten on the charge-office floor, not in the veld under the early summer sun. Ken's birthday present was consumed before he had a chance to know about it. Nothing went quite as it should have on that steamy Saturday in Mmabatho.

Still, the stalwart women of the Black Sash succeeded in retaining both their sashes ('we will not surrender our traditional weapons', declared Gudrun) and their senses of humour despite all the efforts of the Bophuthatswana authorities to remove both.

In retrospect, they, and their five non-Sash co-prisoners, look on the events of that weekend as something of an adventure with plenty of laughter in the telling. Their first post-prison

meeting was not unlike an old girls' reunion. None the less, the taste of Bophuthatswana 'democracy' that rocketed them into the headlines and into the courts was neither fun nor funny.

Saturday, 5 October 1991, began early for the group who gathered in a parking lot, picnic hampers (and, as it turned out, knitting) at the ready. The object: to focus on the banning of the Black Sash and on the manifold injustices in Mangope's homeland haven of constitutionally entrenched civil rights.

Waved off by Barbara, left standing bleakly holding a scribbled list of names and numbers of next of kin, they travelled in convoy ('because we wanted to be noticed'), instructed by Ethel to look out for a suitable picnic spot for their return.

Gill was fined for speeding through Magaliesburg. Pam was feeling grumpy at having had to get up at four

in order to drive for three hours, protest for half an hour and spend three hours driving back. They bought *tuisgebak* in Koster (animal-shaped biscuits and shortbread – the gift Ken never got) and had tea at Paul's house in Rooigrond.

One of two Lauras did a recce to see where the roadblocks were. Sheila suggested an obscene answer to Ethel's worries about what to say to any obstructive policeman. They all discussed at length what they would do if they couldn't get through the roadblock and not at all what would happen if they did.

They did. The recce revealed the roadblock under the bridge – so they went over the bridge. Simple, really. Past Mangope's statue (which was too 'measly' to make an appropriate focus for the protest) and on to the shopping centre where a triangular island provided an ideal venue.

It was decided that 11 people would picket (and link arms around the lamp post on the island if anybody should try to arrest them), the rest would record the event on film. So the 11 stood – determined to hold out for 30 minutes but prepared to go quietly after 15 if asked to.

It didn't quite work that way. They almost made it through the 30 minutes but a determined warrant-officer brought an abrupt end to the stand by confiscating the posters. Demanding a receipt, our brave protesters, accompanied by assorted journalists and observers, drove into the grounds of the Mmabatho police station, a Laura remarking as they passed the gates that perhaps this wasn't such a good idea.

She was right. Ethel and another Laura will long remember room 116 into which they were led ... and left. Ethel fumed because she was going to be late for the movie. Laura fumed because she wanted the poster boards back for the morning market. Those waiting in the charge office fumed because they didn't know what had happened to Ethel and Laura. So they opened the picnic baskets. Gill went to look for them, calling the names of the missing pair insistently as she wandered through the empty corridors.

They emerged (with receipts). Everyone emerged – into the courtyard, into their cars – and found themselves surrounded by heavily armed police who said they weren't going anywhere.

And some of them didn't. Others



Released. The detainees and their lawyers after their release from Mmabatho police station.

Previous page: Janet Small and Gudrun Oberprieler make their protest at the Bophuthatswana demonstration.

THE CAST

Black Sashers:

Ethel Walt
Mamlydia Kompe
Laura Pollecutt
Adelheid Kistner
Pam Lloyd
Sheila Weinberg
Gudrun Oberprieler
Di Charlton
Janet Small
Penny Geerdts
Kathleen Sidebottom
Gill de Vlieg

Maref:

Laura Taylor

Observers:

Lauri Adams and Chris Benner
(USA)
Kerstin Möller and Heiner
Kücherer (Germany)

did – they went as far as Mafikeng police station. Gill was released because she had a press card. The press, having suffered considerable harassment, were released because they were the press. The rest spent one of the nastier weekends of their lives coping with overcrowded cells, inoperative toilets, unusable showers, inedible food, filthy blankets – at least one rat and fear as to whether or when they would get out.

Despite pizzas and Kentucky Fried Chicken provided by Gill and the Mafikeng Anti-Repression Forum (Maref), entertainment for the Mafikeng captives provided by Mamlydia, and a general aura of courage, it was no picnic.

They waited – a lot. They waited for cleaning materials (a plate piled high with a year's supply of Vim and a filthy cloth). They waited for food (prison food supplied without eating utensils; non-prison food supplied with love). They waited for their lawyer (finally allowed in late on Sunday night). They waited for news of their fate (viciously distorted by assorted policemen).

Adelheid became ill and was taken to hospital – an experience she would not willingly repeat. ('If a good doctor arrives in Bophuthatswana,' she was told, 'they immediately deport him.')

But she did come back with a medicine spoon!

Back home, Barbara was under siege – press, families, concerned Sashers, press, families ... A picket was mounted in Jan Smuts Avenue calling for the release of the captives. 'I am here,' said one poster-holder, 'because we need Ethel for a fourth at bridge.'

Meanwhile in Bop came Monday, came court and cheerful advocate Lawrence Lever to tell them that the Bop authorities had called out the 'big guns' and were going to oppose bail. They did. And, in the process, threw the book at them – charged them with furthering the aims of an unlawful organisation and disturbing the peace. Back to the cells.

Came Tuesday and a knight in the form of Senior Counsel, Jules Browde. Instant trial. Conviction for holding an illegal gathering, fines – release!

Now they are talking about what to do next! Some of them concede they are in no hurry to take their protest posters back to Mmabatho. □

Pat Tucker is a journalist and book editor and a member of the Black Sash's Transvaal region.

human rights monitor, I presume?

In response to apparent tensions among a world-wide range of non-governmental human rights organisations, the Harvard Law School Human Rights Programme and Human Rights Internet sponsored a five-day workshop for human rights activists to explore both differences and commonalities. Mary Burton finds the report on this international workshop particularly pertinent to current discussions on the roles and responsibilities of human rights organisations during the South African transition period.

A number of organisations in South Africa, including the Black Sash, define themselves as human rights organisations. We all proclaim our commitment to the Universal Declaration of Human Rights, campaign for a bill of rights to be enshrined in a new constitution, and seek to contribute to a 'human rights culture' in this country. Indeed, after the recent publication of the South African Law Commission's latest recommendations for a bill of rights, there is a considerable degree of accord across a range of political opinion about the need to foster and protect human rights.

This apparent consensus conceals rather different understandings of what can be classified as human rights, and particularly of what the role of human rights monitors and activists should be. The differences encompass questions about whether socio-economic inequalities can be dealt with through a bill of rights and a constitutional court (the 'second generation' rights), and whether human rights activists are or even can be impartial in their monitoring and exposure of violations. There is disagreement about whether non-governmental organisations (NGOs) concerned with human rights should document and criticise only state action which contravenes human rights, or should also direct their attention to actions by opposition groups.

A recently published report of a Retreat of Human Rights Activists demonstrates that these differences and self-searchings are not peculiar to South Africa. The report, compiled by Henry J. Steiner and called *Diverse Partners*, shows how 32 participants at this five-day retreat came 'from Africa, Asia, East and West Europe, Latin America and the Caribbean, the Middle East and the United States –

the majority from the Third World, a quarter of them women'. They represented non-governmental human rights organisations (which have experienced a dynamic growth in the last twenty years, as has the human rights movement itself) and international NGOs, defined as those which operate in two or more countries, for example Amnesty International and the International Commission of Jurists.

The purpose of the retreat was 'to explore the problems and disagreements within the NGO community, in order to induce reflection by all participants about what NGOs' roles are and might become', and 'to explore what was disputed as well as what was shared, frustrations as well as satisfactions'.

One of the early questions dealt with was how, given the diversity of NGOs, to define a 'human rights' organisation. For a public interest group to qualify, must it base its criticism of state conduct on international human rights law? Many of the participants concluded that 'it would be impractical and unwise to maintain a protective boundary around some core or traditional preserve of human rights work, such as the protection of individuals against violence or discrimination. Who would define and monitor such a boundary, and what sanctions could be imposed on organisations crossing it but still claiming to be human rights NGOs?' Others argued that 'to be effective, it was important for NGOs to hold to clearly defined mandates based on consensual legal norms'.

Changing mandates

The report refers frequently to the 'mandates' of organisations – what we in the Black Sash call our 'aims and objectives', as set out in our own constitution. It is interesting to read how

such mandates differ, and also how they vary over time. The entire human rights movement is in a period of change after a phase of strong growth, and it seems to be moving towards a linkage of human rights concerns with developmental and environmental issues. It is also being pressed to deal with ethnic conflict, with gender discrimination, and with disputed land rights of indigenous peoples. We in South Africa are facing the same challenges and experiencing the same uncertainty about what the 'core identity' of the human rights movement is.

The initial mandate of an organisation is determined by the political context in which it comes into existence. A changing political context can lead to a change in mandate. Ideological positions and geographical location are also relevant: 'Western NGOs committed to the liberal tradition stress the protection of civil and political rights, whereas NGOs within Third World states of massive poverty give more attention to economic and social rights.' The need to raise funds, and to retain the support of members or attract greater support, as well as assessment of levels of effectiveness are other factors which can influence a change in mandate. So too are internal and external pressure groups – for example those demanding a more specific focus on women, or children, or land rights. In turn, a change in mandate is bound to have an impact on membership, support and effectiveness.

The traditional perception of human rights organisations is that they have a focus on civil and political rights, a commitment to due process, an individualistic rather than a group orientation in rights advocacy, and a belief in the rule of law. NGOs in this classic western

liberal mould tend to see themselves as non-party political monitors, objective defenders of rights, and investigators of government abuses or discrimination. In much of the world, however, the pressing issues of poverty and deprivation as well as repression are such that civil and political rights are only one part of a solution. When human rights organisations focus on only one aspect, their work is incomplete, and the concept of human rights itself is undermined in the eyes of those who suffer oppression and exclusion from opportunity. The report reflects these different perceptions and the continuing debate they engender.

Dilemmas of transition

One chapter deals with NGOs in 'special situations':

- political transformation after a period of repression;
- foreign occupation;
- internal armed conflict.

The section on political transformation or 'redemocratisation' has a particular resonance for us, as we hope for a 'democratisation' of South Africa. Participants from countries where political life is opening or re-opening spoke about their frustrations as the international community and, indeed, much of the national community itself, felt able to relax its vigilance, even while adverse effects of repression remained. Chile was described as 'a country where the sun seems to be willing to shine again but where we will not see a rainbow so soon'. As the storms of violence assail a changing South Africa, we wonder if the clouds will ever lift, and it seems far too early to expect the rewards of sunshine.

The second section on countries under foreign occupation looked at the difficulties and strategies of NGOs in such a situation.

Thirdly, special questions were posed for human rights organisations in countries which experience internal armed conflict. Should they 'cover conduct by insurgents – guerrilla forces seeking political change, an ethnic or religious group seeking self-determination – as well as governments'? A decade ago it would have been almost uniform policy to view conduct by non-governmental groups, 'however destructive towards opponents or unengaged civilians, as a matter for the state's criminal law ...

That policy has changed in many instances in the light of the growing incidence and brutality of ethnic, religious and ideological conflicts, and in response to sharp criticism by governments of NGO reports that are critical of state action but silent about similar or worse behavior of insurgents.' This is the dilemma which has troubled the Black Sash on many occasions, and poses a challenge to all human rights organisations in this country.

The ways in which governments devise strategies to protect themselves were also dealt with. In some cases, governments can control the flow of funds to NGOs, and impose other restrictions on their work. In addition, mention was made of the growing sophistication of governments in countering adverse reports; some have employed public relations firms, or sought United Nations advisory services, or aid programmes for improved administration of justice. These strategies may produce cosmetic reforms, or have some real benefits, but they will tend to divert attention from the work of the NGOs in exposing violations of rights.

Working relationships

The relationships and networkings between not only NGOs and international NGOs but also between NGOs and political parties, mass movements and religious groups gave rise to considerable discussion at the retreat. Predictably, the differences here were shaped by the difference of political and socio-economic climate in the various regions. Numerous tensions surfaced, and the view eventually expressed could be no more than that the 'independence of and diversity among NGOs had a positive value ... the apparent chaos, better understood as decentralisation and diversity, constitutes the movement's great strength: the dynamic and evolving character of NGOs, and their influence on human rights thinking as a whole'.

Despite these and other sharp differences, the final assessments spoke of the enhanced mutual understanding and solidarity which had resulted from the exchanges. The process of discovery of variations within the experience of the international human rights movement had led participants to reflect freshly on their own work.

The value of the report for us lies in

its ability to cause all of us who are part of this movement to do the same. Are we to become victims of the divisions so prevalent in South Africa? Are we to point fingers at one organisation which claims to support the Universal Declaration of Human Rights but seems to favour the allies and organs of the state while condemning the actions of the resistance movements, or at another which appears to lean the opposite way? We may need to be honest about the fact that a shared rhetoric of rights does not necessarily mean we have a common vision of what a transformed society should be. But surely there must be a way in which we can become 'diverse partners' in the process of trying to build a human rights culture here. This must mean an examination of our mandates, of the way we define our tasks, and of how effective we can be in communicating to the wider society our shared belief in the enduring values of equal and enforceable human rights for all.

We in the Black Sash need to examine how we can impartially and effectively fulfil our mandate in this transitional period. Is it enough to carry out the 'characteristic activities' of a human rights NGO: monitoring, investigating and reporting on violations by the state; lobbying local and international bodies; mobilising interest groups; educating the public; representing the views and needs of our 'clients'? If we did all this well, it would surely be a significant contribution. It would be better still if we could do it in a way which enables us to examine the structures which create the conditions for injustice, and then to challenge the system of oppression and denial of rights as a whole (no matter who holds the reins of power). Then indeed we could claim to be true to our original aims of promoting justice, democracy and human rights and liberties for all. □

Mary Burton is a vice-president of the Black Sash and a former national president.

The report discussed is *Diverse Partners. Non-Governmental Organisations in the Human Rights Movement. The Report of a Retreat of Human Rights Activists*, co-sponsored by the Harvard Law School Human Rights Program and Human Rights Internet; by Henry J. Steiner.

peace and the police

When the National Peace Accord was signed on 14 September 1991 hope was high that political violence would diminish significantly. This hope faltered during delays in setting up structures for ensuring implementation of the accord. Black Sash members were among those who warned that a vital ingredient could be missing: commitment from some of the signatories – notably the South African police. A major obstacle to peace continues to be community mistrust of the security forces. Measures to build community confidence in the police are essential if the accord is to succeed.

Mignonne Breier reports.

The political violence that has spread through South Africa is threatening to destroy its already ailing economy and kill hope of negotiated settlement.

Between January 1990 and July 1991, according to a recent article in *Indicator South Africa*, more than 3 500 people died in political violence. Latest reports from Black Sash monitors confirm what the newspapers say daily: there is no sign of abatement.

In Natal alone, according to the Black Sash Repression Monitoring Group there, an estimated 1 088 people were killed in unrest in the first 10 months of this year. That is about four people a day.

Policemen, too, have died in the crossfire. A *Weekly Mail* article in November put the number of policemen who had been murdered on the job in the first 10 months of 1991 at 112 compared with 107 for the whole of 1990. Of this year's police deaths, 61 occurred in 'unrest and terror' incidents. In addition, the report said, there were at least 548 unrest-related attacks on the police and 868 policemen were injured in the course of their duties.

Various organisations have tried to apportion the blame for the violence. The Community Agency for Social Enquiry (CASE), published a report recently in which Inkatha came off worst – held to be the aggressor in 130 reported acts of violence on the Reef during a 12-month period. The South African Police (SAP) were found to have been the aggressor in 84 reported acts of violence, the African National Congress (ANC) in 13.

This report, predictably, was rejected by Inkatha and the SAP. The latter responded with details of a survey of its own which identified the ANC as the major aggressor.

While reports like these say as much about statistics as they do about violence, countless other sources indi-

cate that behind the violence are people intent on destabilising the community.

Of particular concern are allegations that members of the SAP, instead of trying to stop the mayhem, are actually encouraging it either by deliberate acts or by failure to do their duty.

Reports from Black Sash monitors detail allegations of police misconduct that range from persistent racist harassment of communities (such as the regular arrest of people on charges of drunkenness in parts of the eastern Cape) to allegations of police incitement to attack in parts of Natal.

In Cape Town in October 1991, a joint forum of organisations (including the Black Sash) which had been monitoring violence in the black townships became so concerned about allegations of police involvement in various acts of violence, particularly in Khayelitsha, that they put a series of demands to the regional commissioner of police. One of these demands was for an independent monitoring team to monitor police conduct in the black townships surrounding Cape Town.

In her latest report on the violence in the Natal Midlands region, Black Sash researcher, Anne Truluck, concludes:

'The role of the security forces varies considerably from area to area. In some areas, security forces appear to be actively involved in destabilisation; in one they have been actively facilitating peace. Their overriding role, however, has been one of omitting to do their job. It would appear that individual personality plays too great a part in determining security force action or lack of it.'

That policing is needed is not disputed. As Paul Graham argued in an article in Idasa's journal *Democracy in Action* recently, 'violence increases where law and justice are inactive'.

'Structures and activities which increase the accountability of security forces are essential', he said. 'But these need to be created to enhance the

police's ability to act professionally, rather than to sideline them. There is no alternative to the security forces – only they have the resources to police. Enabling them to become officers of the peace is the way forward.'

The National Peace Accord, signed in September by more than 20 organisations including the government, ANC and Inkatha, is meant to do just that. Provisions that could be used to compel sound policing practices and a cooperative relationship between the police and the communities include:

- a code of conduct for the police;
- a special unit to be set up in terms of the accord to investigate allegations against the police; and
- the Commission of Inquiry into the Prevention of Public Violence and Intimidation.

'There is no alternative to the security forces – only they have the resources to police. Enabling them to become officers of the peace is the way forward.'

The value of the Peace Accord will rest with its ability to hold the signatories to the principles to which they have committed themselves. 'This can be done by monitoring compliance with the accord and exposing non-compliance. Apart from formal monitors, each and every individual can assume some responsibility for this "watchdog" role by familiarising themselves with the principles and objectives of the accord and by noting and reporting failure to abide by it.'

A major limitation of the Peace Accord is that its successful implementation depends on the commitment of the

parties involved. Laurie Nathan, senior researcher at the Centre for Intergroup Studies, Cape Town, is one of several observers of the SAP scene who believe it is unlikely that this commitment will be forthcoming from the police. He believes the SAP are unlikely to change in any meaningful way during the transition process in South Africa for the following reasons:

- The police are overwhelmingly partisan. For decades their primary role has been the maintenance and defence of minority rule and apartheid and white policemen are renowned for their racist attitudes. About two-thirds of the police in the Transvaal and Free State are Conservative Party supporters.
- As a result of this partisanship, they lack legitimacy among the majority of blacks. 'Among township residents they are regarded as the enemy.'
- The SAP suffers from a lack of professionalism for a number of reasons which include the fact that they have been poorly paid, attracting recruits with a low standard of education.
- There is a pervasive culture in the police of violence, extra-legal activity and disregard for official regulations. 'When talking about transforming the police we are talking about changing a culture.'
- The SAP has been geared to counter-insurgency, not crime prevention. Since the 1976 uprising SAP training, weaponry, technology and internal organisation have been increasingly militarised. 'Even if police wanted to act in a more restrained manner they are not equipped to do so.'

Black Sash monitor Lena Slachmijlder, holds similar concerns about whether the Peace Accord will succeed in compelling 'sound policing practices'.

In her latest report on violence in

the Natal Coastal region Slachmuisder says the main problem with the security forces there is that they have 'extremely poor relations with the community'.

'The causes for this are deep-rooted and will not easily nor hastily be rectified. So long as this situation continues, they will find themselves mistrusted while trying to carry out their investigations.'

There is also a lack of coordination between security forces. 'In some cases there are the KwaZulu police, SAP Riot Unit patrols and an SADF camp all in the same area. Yet at no time is there a strategy worked out with representatives from each force to coordinate a plan of action. This lack of coordination is damaging to both community relations and successful investigations.'

Slachmuisder says there is a bulk of evidence pointing to KwaZulu police involvement in the violence – through direct participation, supportive action and non-response. 'If unrest breaks out, rather than report cases to the KwaZulu police, residents will come to lawyers and monitors for assistance.'

'Despite the signing of the Peace Accord by KwaZulu, there has been no change in this lack of confidence, nor does it seem likely to change soon.'

Of the SAP Slachmuisder says: 'Although amongst the riot police there is an increasingly favourable response when called, the normal operating police stations are still entangled with many problems. In many cases the police officers, particularly the more senior ones, have been taught to see the ANC as the enemy and thus have many barriers to overcome before they truly see themselves as protectors of the "community" as such.'

Slachmuisder says there have been repeated reports of SAP members wearing balaclavas and otherwise concealing their identity while carrying out searches in the Port Shepstone area.

'Investigations into political violence proceed slowly if at all, and it is unclear what sorts of checks are done within the police station to keep tabs on cases under investigation. With a few exceptions, the SAP have not generally gained the confidence of the community, and have not proven that they will make concerted efforts to track down known perpetrators of crime to bring peace.'

'The public relations branch of the SAP is increasingly diplomatic, yet if one looks beyond the surface, or has contact with many police members on the ground, many of the attitudes have remained the same. However, the recent joint monitoring between the SAP and the ANC at the Gamalake Shaka's Day Rally was truly a step in the direction of the future concerning improved relations with the SAP.'

When one considers the misgivings expressed by Nathan and others and the levels of mistrust that exist between the parties to the accord it is not surprising that there is a growing realisation that the accord is unlikely to work without considerable public involvement and monitoring. Some believe even this will not be enough. They say an additional mechanism, with recognised neutrality and credibility, is required to enforce the provisions of the accord.

Nathan believes there is no alternative but to call for an international monitoring force to monitor police activity in South Africa during its transition period in the way that Untag monitored the elections in Namibia.

'The only way we are going to contain police excesses is by policing the police.' □

Mignonne Breier is a journalist and communications lecturer, and a member of the Black Sash Cape Western region.

'The police shall be guided by a belief that they are accountable to society in rendering their policing services and shall therefore conduct themselves so as to secure and retain the respect and approval of the public. Through such accountability and friendly, effective and prompt service the police shall endeavour to obtain the co-operation of the public whose partnership in the task of crime control and prevention is essential.'

'The police ... supports prompt and efficient investigation and prosecution of its own members alleged to have acted unlawfully and shall commit itself to continue the proper training and re-training of its members ...'

Quotes from the National Peace Accord

whose tactic is the taxi war?

There have been – and still are – many efforts to end the taxi war in the Cape Peninsula. Black Sash members are involved, both in the field as monitors and as representatives on structures such as the Joint Forum on Policing and the Cape Town Peace Committee. Despite the work of these broad-based bodies, the war continues.

Rosalind Bush asks why.

Khayelitsha residents in Site B inspect the still smouldering wreckage of shacks and the burnt-out hulk of a minibus after a night of violence.



The taxi war in the Cape Peninsula flared in November last year, re-surfaced sporadically early this year, and since then has escalated out of control. This has happened despite unflagging and comprehensive efforts by a broad cross-section of parties to resolve the conflict.

The more the conflict escalates and the longer it continues, the more complex and intractable it becomes. Other conflicts and issues are caught up in it and complicate efforts to address it. To understand what is impeding a resolution to the taxi war, it is necessary first to know something of the history of the conflict and the extent of the efforts made to stop it.

The roots of the taxi war, embedded in the apartheid system, go back some forty years. Lagunya (Langa, Guguletu, Nyanga) Taxi Association operated, in accordance with their permits, solely in and between the townships. Influx-control regulations excluded many people from getting permits to run taxi routes into and from Cape Town's city centre. An informal taxi sector developed among those legally excluded by 'section 10' from urban residence rights which were necessary for getting permits.

These 'pirates', who subsequently formed Webta (Western Cape Black Taxi Association), ran the gauntlet with the authorities – being harassed, fined and imprisoned – in order to operate the more lucrative routes to and from the city centre. The Webta logo – two hands clasped – is seen as a symbol of the unity that was forged between the 'pirates' facing this adversity.

With the abolition of influx control in 1986 and the advent of deregulation, the Road Transportation Board issued permits to the 'pirates'. An investigation by the Cape Town city council discovered that the Webta stamp was required before permits for the city routes were issued. Lagunya taxis were effectively excluded from these profitable routes.

Last year Lagunya began operating from a new rank in Site C, Khayelitsha. Their taxis ran from Site C to Cape Town. Previously Lagunya had run a service from Khayelitsha to Guguletu and Nyanga, from where Webta taxis ran the route into town. The new Lagunya operation further exacerbated rivalry between Lagunya and Webta over profitable ranks and routes, and sporadic violence resulted.

Efforts to stop and resolve the conflict

An attempt to mediate in the conflict, which was threatening the safety of township residents, was launched late in 1990 by the Western Cape Civic Association (WCCA), the Western Cape United Squatters Association (Wecusa) and the Hostel Dwellers Association. Subsequently the Taxi Crisis Coordinating Committee (TCCC), composed mostly of members of these three civic bodies irrespective of political persuasion, was formed in March 1991.

By 4 April 1991 the TCCC had succeeded in bringing both taxi or-

ganisations to agreement on a ten-point plan. The most significant features of this were a code of conduct, an agreement to unite into a single body using one logo, and acceptance of a table of fares. The community boycott instituted in protest at the taxi mayhem was lifted following the agreement and taxis returned to the road.

However, within days Webta reneged on the agreement by lowering their fares and removing from their taxis the accepted T-emblem which identified them with the agreement. The TCCC responded by calling for a community boycott of Webta aimed at bringing Webta back into line. The boycott was not broadly adhered to, however, possibly as a result of poor coordination, which caused some confusion in the community. The atmosphere was not improved by stone-throwing at Webta taxis undertaken by individual elements, mostly youths.

The war escalated as Webta attacked Lagunya, in an attempt to get Lagunya taxis off the road as well. Webta blockaded the roads around the African National Congress (ANC) offices in Athlone, demanding ANC intervention to stop the stoning of Webta taxis. At the same time, however, Webta continued to refuse to accept the ten-point plan to which it had previously agreed.

In June 1991, the concern that attempts were being made to 'politicise' the taxi war was expressed by Michael Mapongwana, TCCC member and WCCA chairperson. He found it necessary to stress that the TCCC was 'not a political organisation trying to get power'; it was simply 'working for peace'. At the same time allegations surfaced that a 'third force' was fueling the conflict caused by the taxi feud in an attempt to destabilise the community.

Subsequent events were to strengthen these fears. Less than a month later Mapongwana was assassinated in what appeared to be a carefully planned 'professional' hit job. Pro Jack, an ANC activist well-known as a mediator, had been killed in a similar manner only weeks earlier, as was Khayelitsha ANC Youth League leader Zola Ntsoni.

When Webta drivers were arrested and charged with murdering Mapongwana, civic leaders expressed fears that community anger towards Webta might



Willie de Klerk/The Argus

spark revenge attacks. At this point the Cape Town city council were asked to examine their role in attempts to resolve the crisis.

Cape Town city council role

Intensive efforts followed, including discussions with the Ministry of Transport on new taxi regulations, and negotiated interim agreements with the rival parties on ranks and routes. A central focus of negotiations was how to resolve the conflict between Webta and sectors of the broader community.

Deadlock was the result, however, with calls from the community for the dissolution of Webta on the one hand, and on the other a refusal from Webta to compromise its identity. A compromise in the form of a changed logo was suggested by the council, who employed an artist to design 12 different options, but Webta refused to accept any changes and returned to the road with their old logo.

In Khayelitsha residents reacted with anger, torching Webta taxis. Webta hit back with force. During the nights of 3 and 12/13 September, sections of Site B in the squatter area of Khayelitsha were attacked and over 200 shacks were set alight. Reports indicated that at least six people were killed and dozens were injured as they fled from the flames and from attackers. Thousands were left homeless and destitute.

Violence soared in the ensuing weeks; both Webta and Lagunya drivers were gunned down and their taxis

burned. Twenty Lagunya vehicles parked opposite the Site B police station were torched. An increasing number of taxi passengers and township residents were becoming victims of the feud.

Since August field monitors from the Black Sash, the Urban Monitoring and Awareness Committee (Umac), the Democratic Party (DP) and the ANC Women's League have been interviewing victims of the violence in Khayelitsha, collecting statements and affidavits.

One of the allegations made most frequently in the evidence collected was that white men, thought to be policemen from the uniforms they were wearing, had played a role in the violence. The regional commissioner of police, Major-General Nic Acker, responded by setting up a special investigation unit to investigate these allegations.

In addition, Acker and other senior police officers met with representatives of the organisations mentioned above and other organisations, subsequently known collectively as the Joint Forum on Policing. The Joint Forum proposed certain urgent interim measures to address the violence in Khayelitsha and elsewhere on the Peninsula until such time as the regional structures for the Peace Accord were set up.

In the same week the mayor of Cape Town, Frank van der Velde, and archbishop Desmond Tutu convened a Peace Conference whose focus was the resolution of the conflict around the taxi war. A broad range of constituencies were represented: business, many religious faiths, government, police, civic bodies, trade unions, political organisations, human-rights groups, lawyers, and the rival taxi groups.

The Peace Conference mandated a Peace Committee to take forward discussions between the two taxi groups. The committee came up with a package of what it believed were minimal requirements: that the taxis should operate without an association name for an interim period; that policing should be intensified; that ownership of taxis and potential conflicts of interest should be investigated; a ceasefire; and a rapid start to negotiating new by-laws.

Lagunya accepted this package, Webta refused but then proposed a meeting with Lagunya alone, aimed at

working out a solution acceptable to the taxi industry. Lagunya agreed, the Peace Committee was supportive, and the meeting took place on 14 October. Agreement was reached on division of routes for the interim period and a programme of action was mapped out. This was considered a major breakthrough.

The following day a Lagunya driver was shot dead. One day later, at a follow-up meeting, Webta backed away from the agreement. A Webta driver was shot, a taxi burned, and the war resumed.

Emergency patterns

At an emergency meeting the Peace Committee concluded that the negotiation strategy had come to a dead-end and that new measures were required. They noted certain patterns that had emerged in the course of the negotiation efforts: Lagunya accepted each peace proposal, whether it emanated from the TCCC or the city council or was negotiated in bilateral agreements with Webta; Webta, on the other hand, repeatedly reneged on agreements; the Webta executive committee would reach agreements which they seemed unable to sell to their constituency.

The Cape Town city council are at present working on tough new by-laws which give the traffic manager the power to cancel the permits of members of a taxi association if they are guilty of misconduct. However, for such laws to be effective they clearly need a mechanism to monitor their implementation and to enforce them.

Given these wide-ranging and intensive efforts to stop this violent conflict, what is impeding its resolution?

Any resolution depends in the first place on committed, effective and impartial policing, and on people seeing that justice is done and done swiftly. The absence of such policing is proving a serious obstacle to achieving peace. To be fair it must be said that there are notable exceptions, for example, the rescue of a Lagunya driver (reportedly a former kitskonstabel) from a Webta attack, and the pursuit on foot and arrest of the alleged killer of a taxi driver. In the main, however, the role of the police in the conflict has been found wanting if not decidedly suspect.

Monitors have been dismayed at the absence of preemptive and preventative police action, which they have



witnessed first-hand on occasion. For example, Umac were monitoring an area that had been under attack an hour earlier. About 25 armed policemen were also present. Webta taxis arrived on the scene and 20 to 30 men armed with axes and pangas got out. They began to advance angrily to where the monitors, who had been joined by a few ANC officials, were standing. The police made no attempt to disarm the men or to defuse a potentially explosive situation.

The Webta men threatened to return later that night and Umac and ANC representatives were sufficiently concerned to brief the commissioner of police and to request that he send in troops to protect the people. The response was that reinforcements could be deployed the following morning at the earliest. That night hundreds of shacks were burned to the ground as people slept without defence.

Affidavits and reports testify to the absence of timely police intervention. Site B police station is about 150 meters as the crow flies from areas that were under attack and where houses were torched. Beyond this, attacks and killings are executed with impunity. Perpetrators of the violence are not arrested. Over 30 affidavits have been submitted to the special investigation unit appointed by Acker, yet recent police report-backs reflect little if any progress in investigations.

Of even greater concern than this apparent non-action is the allegation that police have been involved in many of the attacks. In the affidavits

collected by Black Sash and Umac monitors during August and September, repeated claims are made that white men, often in camouflage uniform, supported or took part in the attacks. Some affidavits described some attackers as kitskonstabels, or 'men in blue overalls' (such as kitskonstabels wear), or men wearing balaclavas.

Evidence of police involvement in attacks

Sworn statements report the presence of casspirs and yellow police vehicles at the scene of certain night attacks. In some cases the identification or registration numbers of these vehicles have been noted and reported to the police. R1 and 38 cartridges (the type used by police) have been found at the scenes of attacks.

It is widely believed that the night attacks and burning of shacks in areas of Site B in Khayelitsha were carried out by Webta members supported by police. Substance was added to this belief when a Webta taxi operator, one M. Gubayo, who is also a (Khayelitsha) Lingeletu West town councillor, gave evidence in a bail application made subsequent to his arrest on a charge of murdering a Laguna taxi driver at the Nyanga taxi rank on 27 October.

Gubayo said under cross-examination that he had been in the company of police when he fired at Laguna taxi drivers 'during a battle scene' on 2 October. He said he had been assisting the police and claimed that he was a 'protected person' (*Cape Times*, 31 October 1991). Bail was refused but granted a week later.

The hearing took place during a special night sitting at Wynberg magistrate's court. It was only with some difficulty that the *Cape Times* finally managed to get permission to listen to the tape recordings of the hearing. It seems that efforts were made to prevent the evidence from surfacing.

Does this partly explain Webta's recalcitrance? Is their unwillingness to compromise and their readiness to renege on agreements predicated on the knowledge that they can act with impunity?

One of the questions being asked is whether behind certain taxi operators there are faceless owners whose aim is to gain control of the taxi industry, worth an estimated R2 billion a year.

Taxi operators with such patrons would be sustained in the conflict, enabled to endure the fight without feeling the need to compromise or reach a negotiated settlement with their rivals.

Are there people with vested interests in this conflict? Is their motive one of commercial greed, or opportunities for destabilisation, or both?

The course the taxi war has taken seems to fit a pattern that has emerged nationwide: that of shadowy elements manipulating existing local conflicts in order to destabilise communities. The simultaneous escalation of the conflicts nationally prior to the signing of the Peace Accord also suggests that the violence is being deliberately orchestrated on a national level. The taxi conflict should have stopped long ago given the efforts made to resolve it since it first began. Yet it has escalated and fanned the flames of other existing or potential conflicts.

The sections attacked and burnt out in Khayelitsha were known to be areas with strong ANC support. It is ANC middle-level leadership figures who have been assassinated. The wife and four children of an ANC branch chairperson were shot and killed, and their home was set alight while he was at work. Pro Jack was gunned down, Mapongwana was killed, and each incident added to the heat of community anger towards Webta and the Lingeletu West town council.

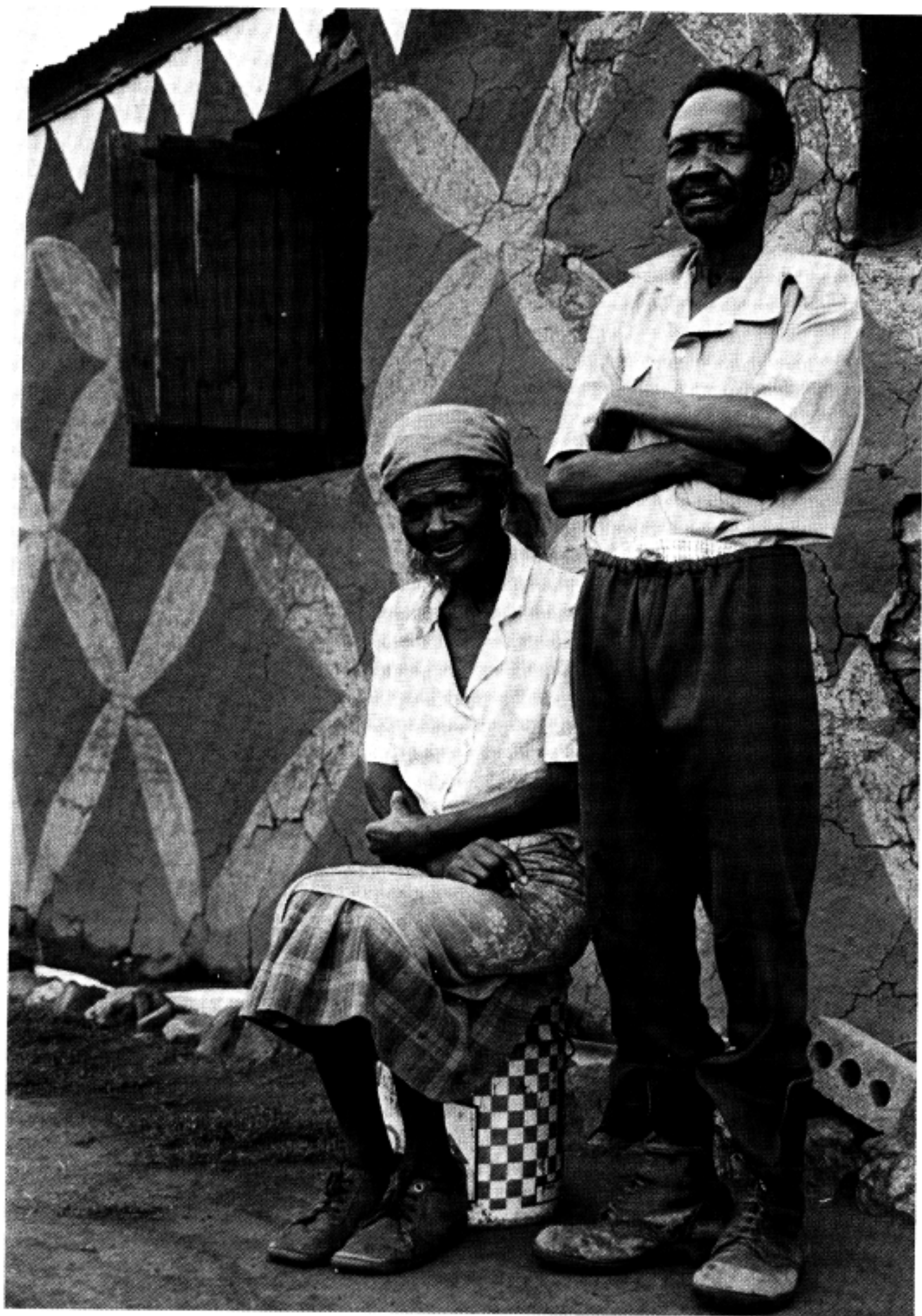
It is not surprising, then, that there is a strong belief that certain elements are deliberately adding fuel to the flames of the taxi war, elements intent on fragmenting communities, undermining the ANC and derailing negotiations for a new constitution.

The National Peace Accord (clause 1.8) pinpoints the essential ingredient for success in negotiated resolution of conflict: 'The implementation of a system to combat violence and intimidation will only succeed if the parties involved have a sincere commitment to reach this objective.' □



Rosalind Bush holds the political repression portfolio on the national executive of the Black Sash

PHOTO ESSAY



IN COMMUNITY

Photographs and captions by Gill de Vlieg

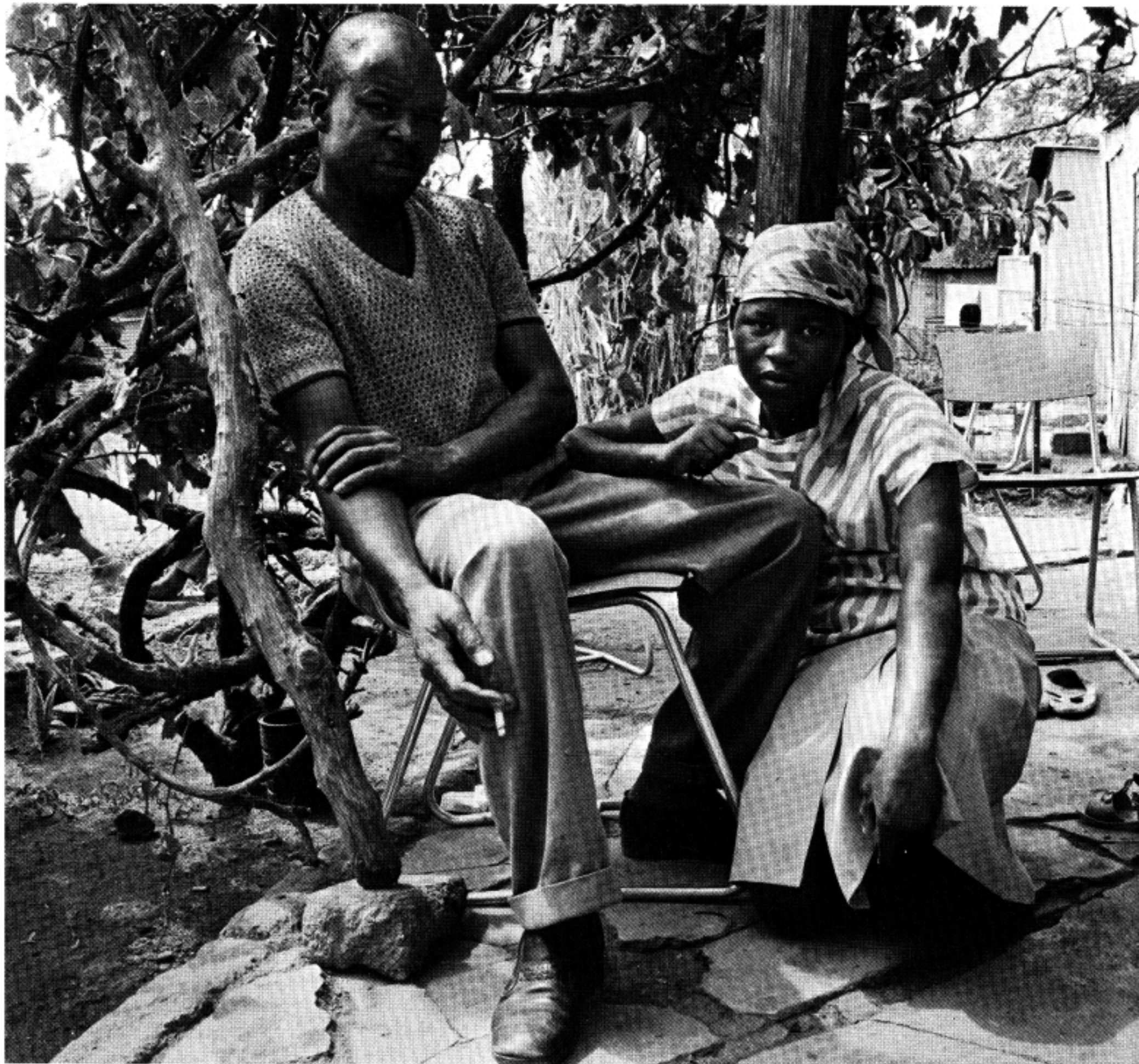


Opposite
INSECURE: A couple
threatened with removal from
a farm south of Johannesburg.
November 1987.

Above
DESTITUTE: A farm worker
injured on the farm and left
without compensation.
Driefontien, Eastern
Transvaal, May 1984.

Right
DISPOSSESSED: Magopa
couple in Bethanie,
Bophutswana. March 1984.





Above

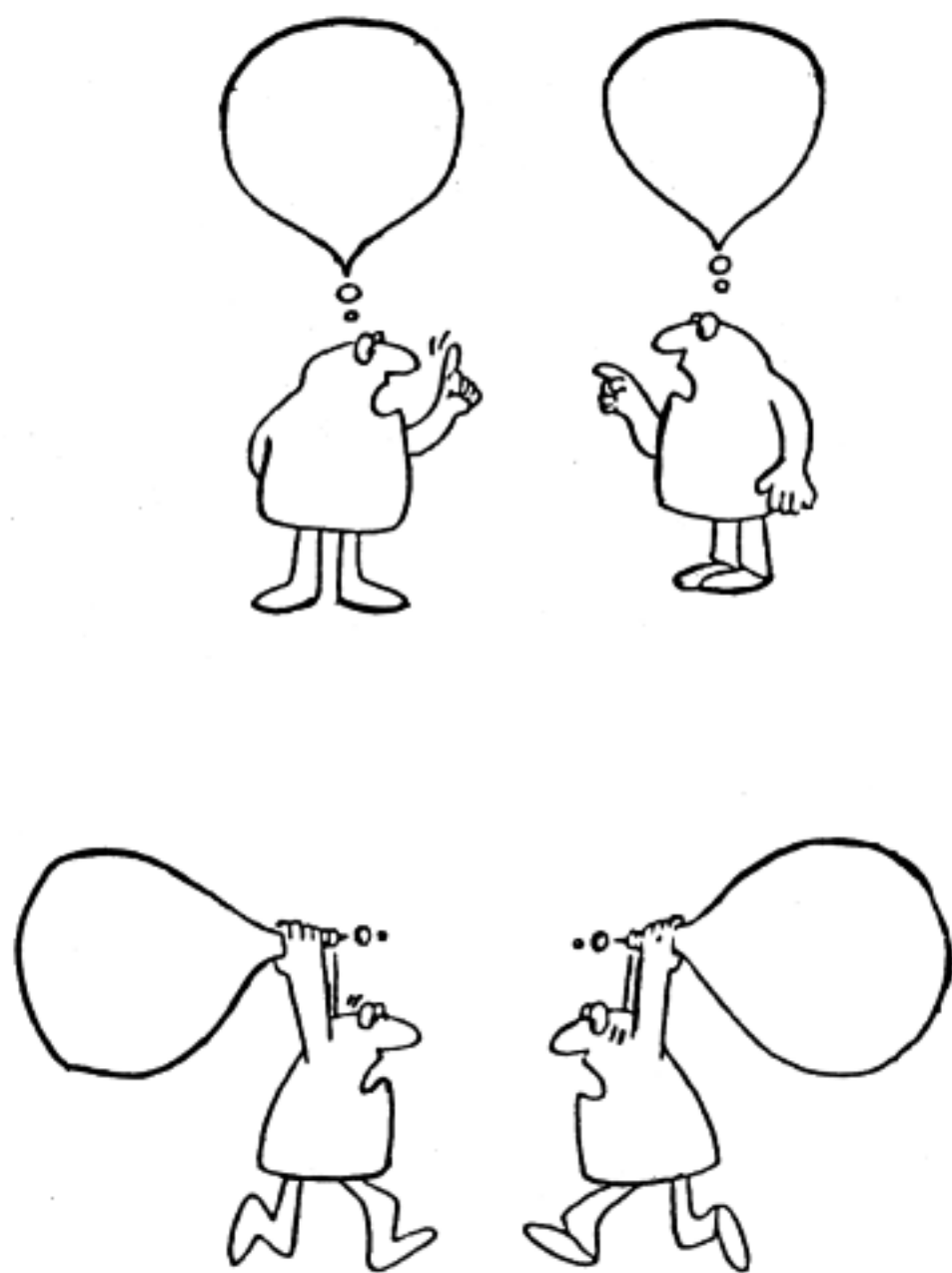
BELEAGUERED: Husband and wife in Oukasie, Western Transvaal. April 1986.



*Above
DETERMINED: Schoolmaster and his wife, Daggakraal, Eastern
Transvaal. February 1985.*

the language struggle - some thoughts on language policy in south africa

Language is so much more than a means of communication. Gudrun Oberprieler shows why decisions on future language policy will have a decisive effect on the political process and on the lives of millions of South Africans as it determines their access to knowledge and power.



The horrific eruption of violence and the tragic loss of life after February 1990 seem to provide little evidence that the struggle of arms will make way very soon for the struggle of words around the negotiating table. Yet one dare not lose hope that the word will finally win against the weapon.

The shaping of a new society has already begun on many levels but how many South Africans, who have been deprived of every human right in the land of their birth throughout their lives, are once again excluded from participating in the process of determining the future of their country by the simple fact that they have not (at all or sufficiently) mastered the language(s) in which consultation and negotiations are taking place?

For the ill-educated masses in this country existence, and often bare survival, has always been a struggle with and for words – with the words of the law which govern every aspect of their lives but are written in a language they often cannot understand, and for the words to express their suffering and anger if anybody cared to listen. For it has been the government's deliberate policy that black South Africans receive most of their (often very meagre) education in their home language, while almost all official documents and much other written information exists only in the two official languages, English and Afrikaans.

A person who is illiterate in a society based on literacy and written communication is severely disadvantaged; a person who has no or very little knowledge of the language(s) in which the official affairs of the country he or she lives in are conducted is reduced to the status of a minor. In South Africa many citizens are suffering from both disabilities. The rights of citizenship have been denied them not only through apartheid laws, but also through the language barrier, erected and upheld by the Nationalist government to keep black South Africans 'in their place'.

The struggle for political supremacy during the last 350 years in South African history has always been very closely linked to the issue of language.

The very early period of Dutch occupation at the Cape is characteristic of imperialist expansion everywhere in the world: at first interpreters were used for trading between the Dutch and the local people, and when the

Dutch East India Company had settled and the demand for labour increased, the indigenous people simply had to learn the language of the occupiers.

In the mouths of the Khoisan and the Malay slaves, Dutch slowly developed into what was to become Afrikaans. Since the Dutch were primarily traders, however, they made no rigorous attempt to teach their language or religion until the British occupations of the Cape (1795 to 1803 and 1806 to 1814), when English became a serious competitor of Dutch. This resulted in the so-called 'taalstryd' (language struggle) which accompanied the century-long struggle for political domination between the Boers and the British.

In contrast, the British tried very energetically to replace Dutch with English in all spheres of public life. The Anglicisation effort was pursued stringently especially during the second and third decades of the 19th century. Although the culmination of the Anglo-Dutch conflict, the Anglo-Boer War (1899 to 1902), ended with the defeat of the Boers, Afrikaner nationalism, and with it the striving for recognition of their language, was quickly revived.

It was no small victory that, with the formation of the Union of South Africa in 1910, Afrikaans became one of the official languages alongside English and Dutch (which was later abandoned) and that thereafter parents chose the language in which their children were educated.

With the coming to power of the National Party in 1948 the earlier events were almost reversed. It now became the concerted aim of the National Party to substitute Afrikaans for English in all domains of public and social life or, where this proved impossible, to promote Afrikaans on an equal footing with English. Now it was the turn of English-speakers to worry about the survival of their language and culture in public life.

Sheena Duncan has expressed the view that the founding and initial success of the Black Sash had much more to do with this fear than with concern about coloured people losing their vote. 'In 1955', she has said, 'the government had introduced a senate bill to pack the senate with its own supporters in order to get the necessary two-thirds majority to change the constitution so they could stop col-

LANGUAGE STATISTICS FOR SOUTH AFRICA

	Home-language speakers	Percentage of South African population
Present official languages		
Afrikaans	6 188 981	15,66
English	3 432 042	8,68
Nguni languages		
Ndebele	799 216	2,02
Swati	926 094	2,34
Xhosa	6 891 358	17,44
Zulu	8 541 173	21,61
Sotho languages		
North Sotho	3 437 971	8,70
South Sotho	2 652 590	6,71
Tswana	3 601 609	9,11
Tsonga	1 349 022	3,54
Venda	763 247	1,93
Other languages	n/a	2,26

Source: Gerhard K. Schuring, *Language Planning for a new South Africa*. Research lecture, Human Sciences Research Council, Pretoria; 1990

oured people from having the vote.

'It was this act by the Nationalist Party that brought the Black Sash into existence in the first place. Looking back on it now, I think that the mass of women who joined the Black Sash in the early years could not have cared two hoots about whether coloured people lost their vote. They cared about the fact that if the government could manoeuvre in that very immoral way, it could also stop the English language from enjoying equal rights with Afrikaans.'

The language policy of the Nationalist government was not limited to the promotion of Afrikaans. It was extended very quickly to other population groups in the country and became the foundation of apartheid ideology, with far-reaching consequences. Black people were – and still are – grouped together according to their home language, and on the basis of this they are perceived to belong to the same ethnic group. White people, on the other hand, are grouped together regardless of their home language.

This basic concept of apartheid ideology, the equalisation of language, culture and nation, is completely removed from reality and was mainly devised to divide the black people in this country – an aim which has, unfortunately, been successful to a considerable extent.

Why is language so important to all of us and why is it such an emotional issue? The obvious answer is that language is much more than simply a means of communication. In all its subtleties it is also a carrier of traditions and values and through that a carrier of a person's identity and self-image, of his or her self-definition and self-expression. Language and all that goes with it gives one a sense of belonging that is difficult to achieve through any other means, except perhaps through one's love of the place one grew up in.

This is why language has played such an important role in colonisation processes everywhere in the world. The well-known Kenyan writer, academic and activist, Ngugi wa Thiong'o,

'... the non-indigenous language becomes associated with positive values like advancement, access to knowledge, better living standards and power, while the people's own languages become increasingly synonymous with backwardness and other negative images.'

pointed out on a recent visit to South Africa that the economic and political control of the colonist is incomplete without cultural control. If he controls the culture and the language, the colonist also controls the values of the people and their self-definition and thus defines their world and its social order to suit his own purposes.

Therefore the oppressor strives to elevate his own language and suppress the indigenous languages. In this way the non-indigenous language becomes associated with positive values like advancement, access to knowledge, better living standards and power, while the people's own languages become increasingly synonymous with backwardness and other negative images.

In South Africa this strategy has been pursued in two ways. On the one hand the education of black children in the official languages has in most instances been disastrously poor, creating major obstacles for tertiary education. The universities now have to deal annually with hundreds of applicants whose knowledge of languages in general is far superior to that of their white fellow-students but whose poor knowledge of English prevents them from being able to follow lectures.

Now the status of both the current official languages as well as that of all the African languages spoken in this country is coming under scrutiny and will hopefully be debated for the first time in South African history instead of simply being enforced by those in power.

The question of a new language policy has been discussed in different quarters for some time now. The last two years have seen a number of publications as well as conferences and workshops on language usage, learning and planning.

As yet, few concrete and detailed proposals have been formulated. The main outcome of the ongoing debate thus far is the recognition of the complexity of the situation, the recording of factors that will have to be taken

into account, and the spelling out of the questions that will have to be asked. A major obstacle is the lack of research in many areas, and a major task will be to consult as many concerned groups as possible before decisions are made.

The most carefully considered model to date is that of the National Language Project (NLP) in Cape Town, although to my knowledge it also does not go beyond a general outline. This model is based on the assumption that all languages spoken in South Africa should be treated as of equal importance, since if the language policy is supported by the majority of the people it will help in the process of nation-building.

Neville Alexander of the NLP proposes three models which could be implemented successively as the situation in the country changes: at first English as the national official language with all other languages (including Afrikaans) having official status on a regional basis; thereafter English, Standardised Nguni and Standardised Sotho as national official languages, with the other languages having regional status; in the final stage Standardised Nguni and Standardised Sotho as the only official languages.

Whether the standardisation of the Nguni and the Sotho language groups, as well as the phasing out of English would be a practical solution or could be justified in terms of expense is in my opinion a debatable question.

The African National Congress (ANC) has drawn up a working paper in which several options are outlined: English as the only official language; six (English, Afrikaans, Nguni, Sotho, Tsonga, Venda) or four (English, Afrikaans, Nguni, Sotho) official languages and only English or English and Afrikaans as official languages, both with regional languages depending on the linguistic area. The second and third models would require the standardisation of the Nguni and Sotho languages.

The draft paper acknowledges that

all the options except the first are costly both in terms of time and financial resources. It ends with the statement that 'it is not possible at this stage to opt for a national language and built into each option should be re-assessment of language policy at regular intervals'. Whether a language policy, with its very far-reaching implications, could or should be reviewed and changed periodically remains very doubtful.

The importance of the language issue cannot be underestimated as it affects all spheres of public and social life. The final decision on a new language policy will to a large extent depend on two factors – finances and who will make the decisions.

Whatever model is chosen in the end, two things would ideally be envisaged: a concerted effort by many groups to overcome illiteracy, and sufficient opportunities for all people of this country to learn the official language(s) to a degree that makes their participation as full citizens possible. Where this does not happen, the current state of affairs of dependence and patronage will continue. Sadly enough its perpetuation is in the interest of certain groups and individuals who are determined not to lose their position of power over others.

Alternatively, at least as an interim measure for the foreseeable future, more funds should be made available for the extension of translation services. But the reality is that funds are scarce and the language issue will probably take a back seat in relation to all the other urgent needs in the country.

Another question is who will finally decide on a language policy. Experience in this and other African countries shows that the sobering reality is that it will probably be the politicians rather than the linguists and certainly not the people of the country. One can only hope that despite the complexity of the situation in a country like South Africa, where 24 languages are officially spoken as mother tongue, a new government will be guided by the current debate and will attempt to act in the interest of all the people. □

Gudrun Oberprieler lectures in German and is a member of the regional council of the Black Sash Transvaal region.

another betrayal: the story of the mfengu of tsitsikamma

The Mfengu of Tsitsikamma farmed their land for 130 years until they were forcibly removed in 1977 to a remote and dry area of Ciskei. Since then they have made repeated, unsuccessful attempts to return to the land they consider their legal home. Kobus Pienaar gives the background to an unfinished story.

In December 1977, about 4 000 Mfengu (also known as Fingo people) were removed at gunpoint from their land in the Tsitsikamma district. The land had been granted to them 130 years earlier by Sir George Grey in return for the loyalty and support they had shown to the colonial government.

The families were rounded up, trucked off and dumped 300 km away in a barren and overcrowded resettlement camp in Ciskei, ironically named Elukhanyweni, 'the place of light'. Now, 14 years later, the Mfengu people are poised for a last-ditch attempt to recover their land.

Though the early history of the Mfengu is under some dispute among historians, popular history has it that their roots lie in Shaka's 19th-century Wars of Conquest – the *Mfecane*. As a result of these wars, we are told, groups of the Bhaca, Hlubi, Zizi and Bhele people, later collectively called 'Mfengu', were driven southwards to find shelter amongst the Xhosa-speaking tribes with whom they struck up a relationship, characterised by exploitation and subservience. The name Mfengu is derived from the word *ukufenguza*, which means to wander around seeking work.

During the Sixth Border War (1834–35) the Mfengu decided to assist the British against the Xhosa. For their efforts, a small group of Mfengu

were rewarded with land in the Tsitsikamma forest, about 130 km west of Port Elizabeth and 20 km inland of the Indian Ocean. During the 1840s, only some 6 000 ha of Mfengu land was surveyed and registered, nominally in the name of either the Moravian Church superintendent or the civil commissioner of Uitenhage, to be held in trust on behalf of the Mfengu tribe and their descendants. This land was tamed and successfully farmed by the community for more than 130 years.

The Mfengu, however, had access to far more than the mere 6 000 ha that was initially registered. During the ensuing years, white farmers started settling in the area and only some of the further portions of land to which the Mfengu had access became registered. During the 1900s, the Mfengu had access to and actively farmed some 8 000 ha of fertile coastal land.

'Black spot' removals

In 1975 a resolution was passed in parliament approving the removal of the Mfengu in terms of the black-spot removal policy. A similar resolution was approved at the time with regard to the people of Mogopa. The resolution was followed by a state presidential order that the Mfengu should move from the land in September 1977. When it became apparent that the order was to be executed, an urgent application was made to the supreme court in Port Elizabeth, to declare the state president's order null and void. The application was dismissed.

(In 1984, however, the Mogopa community was served with the same order and they made application to have the order squashed. They failed in the Transvaal Provincial Division but took the case on appeal to Bloemfontein, where, unbeknown to the Mfengu, the state president's order, which was identical to that of the Mfengu, was ruled to be null and void. The implication of this is that the order for the removal of the Mfengu was in actual fact also null and void.)

Some nights after the defeat in the Port Elizabeth court, the government trucks arrived and the rounding-up of families started. Some community members resisted, but they were arrested and taken to Ciskei. At the time of the removal, their cattle were sold off at firesale prices to white farmers in the district. Unharvested crops had to be abandoned.

The only compensation the community received was a negligible amount of about R200 000 for their houses, sheds, churches and schools which were demolished soon after the removal. The years since 1977 have seen continuous attempts by the community to reclaim its land, represented in its efforts by a committee of community leaders known as the Tsitsikamma Exile Association (TEA).

'My people say that I must tell you, that if they do not hear from you, they will return to Humansdorp on foot. They will rather die along the road than to die in Keiskammahoek.' – Letter from Stanford Mtselu, chairperson of the TEA to Dr Koornhof, 1981

'They came in buses and trucks with guns and clubs. We were moved in a cruel manner. The women and children were crying. In the Tsitsikamma I farmed with cattle and had a good income. I was the owner of three houses, 37 head of cattle, 40 sheep and 6 horses. In Ciskei it was too dry to graze. I continually had to hear how the sheep were bleating from hunger ... They call the place the place of light, but really, it is the place of sadness ... I want to go home, back to my birthplace.' - Temba Xayimpi

Mfengu land sold

In 1982, despite the fact that the land was still scheduled for the exclusive occupation of black people in terms of the 1913 and 1936 land acts, an advertisement appeared in the newspapers inviting whites to make application to buy about 6 000 of the 8 000 ha of Mfengu land which was to be divided up into 19 portions. The cost was three or four times less than the market value of the land at the time. About 150 farmers applied.

It was only in June 1982 that parliament decided that the land should be deleted from the Land Act Schedules. Having done so, in order to maintain the quota of scheduled land in the Cape province, land of alleged equal agricultural and pastoral value was to be added into the schedule in the vicinity of Queenstown, which was thereafter incorporated into Transkei.

At the time, a delegation of Mfengu community leaders travelled to Cape Town to plead their case with Piet Koornhof, minister of cooperation and development, but he refused to see them on the grounds that they were Ciskeian citizens.

The attempts of the Mfengu to halt the sale of their land failed. Between 1983 and 1987 it was sold in 19 lots to white farmers for R1 345 613,10 - a quarter of the market value. Only 1 946 ha of land was not sold and still vests in the state.

On 7 April 1983 the committee wrote to Koornhof, inviting him to visit Elukhanyweni to witness firsthand the severe problems being experienced by the resettled community

'I am now 74. As I stand here I am a man without land, without cattle or sheep and poultry as before. All that I can rely on now is my old-age pension, and the state president can think for himself how difficult it is to come out on that ...'

Document showing the original 1841 title deed of the land granted to the Mfengu by Sir George Grey (from *Land Update*, 6 February 1991)

By His Honor Colonel JOHN HARE, C. B. & K. H. Lieutenant-Governor of the Eastern Division of the Colony of the Cape of Good Hope.

In the Name and on behalf of Her Majesty VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

I do hereby grant, in Freehold, unto *The Reverend Mr. Teutch* Superintendent of the *Mfengu Mission* within the Colony and to the *Trustees* of the *Mfengu Mission* for the term of *years* of *years* for the *purpose* of *the purpose* now being at the disposal of *Clarkson* - a piece of ground *situate in the division of the Cape of Good Hope* bounded on all sides by *Government* and *Government* N.E. to *the Mountains*, S. to *the place* and *the place* W. to *the place* and *the place* as will further appear by the Diagram framed by the Surveyor and with full power and authority henceforth to possess the same in Perpetuity, with permission to dispose of or alienate the same, with the approbation of Government, in such manner as he may think proper: subject, however, to all such Duties and Regulations, as are either already, or shall, in future be established with regard to such Lands.

Given under my Hand and Public Seal of the Eastern Province, at Graham's Town, Cape of Good Hope, this *Day of* *1841*

By His Honor's Command,
W. Fred Westcott
Surveyor General.

In terms of Government No. W 13/19 dt. 21.3.45 Application of dt. 21.3.45 Deeds Reg. by 7.3.45

intention of the property since regulations within property 9 dt. 27/4/49 dt. 1841 dt. office - Town ... 50

Tag property, by virtue of Proclamation No. 16 of 1920, became vested on the 31 day of January, 1920 in the BATA Trustees appointed in terms of Government Notice No. 142 of 1920. S.O. 100/1920. Custodian of Enemy Property, Cape Town.

In terms of Proclamation No. 16 of 1920, the Trustees referred to in the foregoing Proclamation have been appointed in terms of Government Notice No. 142 of 1920. S.O. 100/1920. Custodian of Enemy Property, Cape Town.

Proclamation No. 16 of 1920, the Trustees referred to in the foregoing Proclamation have been appointed in terms of Government Notice No. 142 of 1920. S.O. 100/1920. Custodian of Enemy Property, Cape Town.

whose members were starving and dying. At the same time, they once more asked to be allowed to return to the Tsitsikamma at their own expense.

When no reply was forthcoming, a letter of reminder was sent on 24 June 1983. On 14 August 1983, the committee also sent a letter to the director of human rights at the United Nations (UN) asking for relief and assistance and for the UN to approach the South African government on behalf of the Mfengu people.

Attempts to regain land

It was only during February 1984 that a reply was eventually received from Koornhof, categorically stating that the government was not prepared to consider the return of the Mfengu to the Tsitsikamma.

Towards the end of 1985 the Mfengu were still making attempts to regain their land. They again attempted, by means of a letter to Gerrit Viljoen, minister of constitutional development, dated 7 October 1985, to secure an interview with him. He was supplied with a petition signed by 1 200 people in favour of returning to the Tsitsikamma.

The next move of the TEA was an attempt to visit minister Viljoen but, once again, on 4 February 1986, the community was advised in writing by the department that their request to return could not be acceded to. Despite this news, on 9 May 1986, a letter was sent to Tuynhuys requesting a meeting with state president P. W. Botha. Two months later a letter was received from the minister of constitutional development requesting copies of all correspondence in the Mfengu matter.

A further letter of rejection was received on 8 July 1986. In the interim, continued attempts were made to obtain assistance from influential groups such as the Council of Churches, the N. G. Church, the National Party and the Broederbond, but without success. With the declaration of the state of emergency in 1986, events could not be taken further and the attempts of the Mfengu to regain their land were severely thwarted.

When the state of emergency was withdrawn, the committee could once again make attempts to regain their land. In 1990 they again wrote to Viljoen asking him to meet them. Again they received a letter stating that the matter was receiving attention.

'Compare what the loss would be were the 19 rich farmers, who have lived on the land for the past eight years, to lose their farms, with the loss of the approximately 5 000 inhabitants of the Tsitsikamma who had lived there for nearly 200 years. Who has suffered the most and who are the losers?' – Isaac Thembani

In April 1990 the committee appointed the Legal Resources Centre to provide them with legal advice. In addition, in July and August, committee members travelled throughout the eastern Cape to establish local committees and in November members of the local committees met in Port Elizabeth and a democratically elected executive committee of the TEA was appointed.

In December 1990 the community planned to clean the graves of their forbears, from which they had been banished more than 13 years previously. However, as most of these graves were situated on land currently occupied by white farmers, they were not permitted to undertake this campaign. In January 1991 the community again wrote to the farmers and said they intended to visit the graves in February. A meeting was held between the farmers and the TEA and an agreement was reached in accordance with which a group of 60 Mfengu men could visit the area to clean the five graveyards. This visit took place on 23 February 1991 and ended with a service at one of the graveyards which was attended by about 100 members of the community.

In March 1991 the government published a White Paper in terms of which they refused to return any land to dispossessed communities. As a result, on 10 April 1991 TEA delegates participated in a national day of protest against the White Paper. Protest action took place in Port Elizabeth, Humansdorp and King Williams Town where 13 members were arrested.

On 21 and 22 April 1991 the TEA organised a workshop which was attended by 250 delegates from the Mfengu community. Several decisions were taken at the workshop.

- Fifty families would be resettled on Mfengu trust land at Clarkson at the end of June 1991;
- the Moravian Church would be notified of the decision;
- the community would begin an internal fund-raising drive to col-

- lect money for transport costs;
- the invitation from minister Jacob de Villiers to meet communities which wished to return to their land must be responded to and a TEA delegation must attempt to meet him;
- a supreme court application for the return of the land must be initiated.

In May 1991 it came to the attention of the TEA that some of the farmers intended to sell their farms at a great profit prior to the expiry of the ten-year period. The TEA requested the minister of agriculture, Kraai van Niekerk, to give an undertaking that no further sales would take place. The undertaking was given.

Shortly thereafter, however, the TEA was informed that the minister had made a 'mistake' and that one of the farmers had been granted permission to sell. As a result of this a supreme court summons for the return of the land was issued against the 19 white farmers, the South African Development Trust, the minister of public works and land affairs, and the state president.

The TEA continued to meet with the government but despite a promise by minister De Villiers that this door was open to communities who wished to negotiate a return to their land, the TEA was refused their request.

With the help of archbishop Desmond Tutu, a meeting was set up in July 1991 between the TEA committee, president De Klerk, the community's lawyers and a minister of the Moravian Church. To the delegation, it appeared as if the state president listened to their representations attentively. He promised to discuss the matter with his ministers and to give attention to the various matters that had been raised.

The community is still waiting. □

Kobus Pienaar is an attorney at the Legal Resources Centre in Port Elizabeth.



land reform: a question of priorities

Land issues, the land question, the land debate, call it what you will, it is being talked about at length in South Africa at present. In the past 18 months there have been at least three major conferences on the land question in southern Africa, not to mention special editions of many major journals on the land issue. Community-based organisations are holding workshops to inform both communities and policy-makers of the needs of communities and the possible options for land reform. It is clear that without due consideration of all the processes of consultation and negotiation, a land-reform policy is likely to have limited success.

Land is necessary for agricultural production as well as for other uses. In any society the process of allocation and the regulation and control of land relationships are indicative of the social, political and economic priorities of that society.

Dennis Davis and Hugh Corder argue that in a society in transition from a racially oppressive structural arrangement of political and economic forces to one organised along non-racial, democratic lines which seeks to address the wrongs of the past, there is likely to occur a disparity between an overprotective and involved state and the protection of individual rights. While this is easy to distinguish in a legalistic sense, it is often more difficult in a political sense.

The ideological base of the structure of the state and society is reflected in the legal system, but the political ramifications of the relationship may be more complex to discern. It is within the context of this complexity of relationships, alliances and agendas that the land question and related issues in South Africa must be observed, researched and hopefully, understood. This discussion hopes to transcend the emotional content and look at the principles and possible consequences of land reform.

*Before reforms can be made to land policy in South Africa, it is necessary for all communities to be allowed to debate, consult and negotiate. Land is used for both agricultural and non-agricultural purposes and it is important to understand how it can be used most productively, without undermining the complex social fabric. Though this subject can be emotionally addressed, **Theresa Fleming** attempts a rational view, making a plea for a flexible approach which would accommodate both local and national needs.*

Some issues which affect land reform

Even if it is not initiated by the state, a land-reform programme is usually implemented through state mechanisms. The desired results are a reflection of the nature of the state, state ideology and economic policy. It therefore follows that in order to determine (as accurately as is possible in an estimate) the effects of possible land-reform programmes, a clear understanding of the state is necessary. On the other hand, there are a number of issues that are affected by the regulation of the relationships to land, and that are specific to the shaping of a land-reform policy for the future. These issues are, briefly:

- 1 The rate and nature of urbanisation.
- 2 Settlement patterns and the geographical locations of desired settlement.
- 3 Migration rates and reasons for migration.
- 4 Agricultural – forms of production, that is, commercial, peasant.
- 5 Access to capital goods, infrastructure, credit, and markets.
- 6 Economic growth potential of changing the relationship to land in terms of forward and backward linkages and final demands of agriculture.
- 7 Access to land for agricultural and non-agricultural use.
- 8 Regulation of land relationships through legal mechanisms.
- 9 Roles of land – political, economic, social.

The discussion continues in the light of some of these issues: particularly access to land for agricultural and non-agricultural use, the economic growth potential of various policies, and the regulation of relationships to land in terms of its social, political and economic roles as perceived by the occupants and users of that land.

No 'right' or 'wrong' perceptions

The argument stresses the relative unimportance of the so-called diversities between a 'Western' and an 'indigenous' perception of land tenure and land. While it would be naïve simply to regard the perceptions as being the same, it is argued that, for both, the composition of land relationships are equally complex and are based on the same needs. These are simply demonstrated in different ways in relation to different social systems. In other words, neither one nor the other nor anything in between should be perceived as 'right' or 'wrong'.

Several issues, such as levels of poverty, ecological conditions, economic systems, to name but a few, directly influence relationships to the land. Another question is whether formal or informal tenure best helps productivity. A major issue, central to the land-reform debate is the question of productivity. It has been under the topic of productivity that the debate around tenure (formal and informal) has developed.

The two driving forces for land reform are social equality and agricultural (and other) productivity. There is very little empirical evidence to reconcile indigenous land allocation systems and tenure with Western land allocations and tenure. The current state of indigenous systems is different from their original form when land was abundant and boundaries were few. Over time, these systems have been subjected to colonial penetration in Africa as a whole and to apartheid in South Africa, but they have adapted to suit new conditions and restrictions and have survived, if in a distorted form.

Productivity in indigenous land-rights systems

A recent empirical study by Migot-Adholla *et al.* researched the possible constraints that indigenous land-rights

systems have had on productivity in Ghana, Kenya and Rwanda. They found ample evidence to prove that indigenous land-rights systems are evolutionary rather than restrictive to development. However, other academic opinions had, prior to this, argued against the assumption that low productivity was simply a result of communal forms of tenure and allocation of land.

Bruce suggests that 'individualisation may come about as the spontaneous, evolutionary response of an indigenous tenure system to pressures exerted by a market economy'. He argues further, to demonstrate the complexity of the relationship of tenure to productivity, that while the above may well be true it is also possible that individualisation could be initiated through a specific tenure reform.

A frequent argument against the maintenance of communal forms of tenure is that they are regressive and not conducive to development and increased productivity. But it appears that in South Africa there is in fact evidence of a move towards individualisation of land holding and that this has been the case for a number of years. (Migot-Adholla *et al.* and Bruce and Letsoalo.)

The main argument in Migot-Adholla *et al.* is that there is evidence of 'spontaneous individualisation of land rights over time, whereby farm households acquire a broader and more powerful set of transfer and exclusion rights over their land as population pressure and agricultural commercialisation proceed'. This process has been evidenced in South Africa in areas where there has been total change in the orientation of land-rights allocations, particularly in semi-urban areas in bantustans, although this is undoubtedly an area where there is great scope for further research and investigation.

Social networks

Rights to land and the role that land plays in the social networking of individuals are vital issues in examining the evolutionary nature of indigenous land-rights systems. This examination takes account of the way in which unemployed people are absorbed into the fabric of the landed society, ageing people have the security of a place for retirement, and there is a network that can provide support for children in the absence of working parents.

Thus, the vulnerable people in a poor society can be incorporated in a land-rights system which is supportive and in which different stages along the evolutionary continuum can be accommodated. Rights of use and occupation can then extend to family and kinship networks, thus reducing the numbers of landless.

The evolution of indigenous land-rights systems has been a result of increasing population pressures and intensified farming methods. Land is likely to be invaded or occupied and used by others if it is left unused for a long period of time. It can be argued that the process of urbanisation and the creation of a landless proletariat contributes to the further individualisation of land rights. Improved transport routes and physical access to markets are likely to increase farm income and provide inputs for increased production.

The possibility of constraints on production as a result of tenure requires that the discussion be taken to its ultimate conclusion, which is the registration of title deeds and individual, private freehold of land. The question to be asked is, *is* registration the logical end to the discussion of individualisation of land rights, or is it merely one option? This is not a question to be answered here, but rather to be debated and researched.

Access to land

The important issue is that everyone should be able to gain access to land. Access does not simply imply that land be 'made available'. It refers rather to fostering an economy that is growing and able to expand to meet the employment needs of an escalating population. It implies laws that are free from restrictions on access based on race, religion or any other form of discrimination. It implies affirmative action in order to assist black farmers

who want to farm, affirmative action to ensure that what little land has been available for occupation by blacks is not appropriated by wealthier white interests.

In conclusion I propose four important points for consideration in the development of a land policy for South Africa:

- **Land reform must be recognised as only one component of both agrarian transformation and national development.** The other issues to be considered in conjunction with land reform are an integrated rural-development approach, the environmental sustainability of development and the need to generate non-agricultural income in rural areas and thus stabilise the rural population.
- **Land policy must address key constraints.** For land to be used effectively, a land policy must consider the importance of provision for training, the supply of capital goods, marketing and access to credit facilities. It must also recognise the social welfare needs of people in relation to land.
- **Land policy must be realistic.** It must be based on community and individual needs, which have been carefully represented in policy-formulating forums, and must not be based on external ideologies and bureaucratic rationalities (or irrationalities). The policy must recognise that conflict over land is inevitable and constant and requires fair, legitimate, locally-based conflict-resolution procedures.
- **Land policy must be comprehensive.** It must take account of the different yet overlapping usage values placed upon land. It must be flexible and capable of adapting and changing as the environment changes and it must be able effectively to balance national against local needs. □

Theresa Fleming has completed a Masters thesis in Development Planning and is involved in the Urban Removals Group of the Transvaal Black Sash.



'We are committed to private property and free enterprise as the basis on which a new South Africa will be built.'

F. W. de Klerk

'What this "free market" policy will do is to allow a few black people to buy land. Buying and selling is not part of our culture. We believe that land is a God-given asset, given to all people. Therefore every person has the right to a piece of land to live on, but not to sell it like a piece of property.'

Western Transvaal communities

The government's intention to impose freehold as the only form of tenure is as well known as community opposition to this. Indigenous forms of tenure in South Africa – called communal, customary, traditional or common property systems – take complex and diverse forms which provide an essential form of social security to poor communities. In some parts of the country, which experience semi-arid and arid conditions, communal tenure sustains the environment better than leasehold or freehold because stock are free to move according to the weather between winter- and summer-rainfall zones. This is impossible where individuals have tenure over an exclusive plot of land which is often too small to allow for the necessary rotation.

land tenure out of africa

Lala Steyn was one of twelve South African participants attending a two-months course designed for them by the Land Tenure Centre of the University of Wisconsin, Madison, USA. She draws on course debates and experiences from two African countries to argue that forced conversion from communal to freehold forms of land tenure has been generally unsuccessful.

One of the most important features of a land-reform programme is the kind of tenure systems it provides for. Debates on this issue in South Africa today centre around freehold and communal tenure. This article examines certain myths surrounding freehold, such as the belief that the forced conversion of communal tenure to freehold will result in increased agricultural production. This has not been the result in most African countries, and we illustrate this argument by drawing on Kenya and Lesotho as examples. Kenya is a useful model because of the number of similarities to South Africa, including the form of its colonisation. Lesotho, which has a similar form of communal tenure to parts of South Africa, is relevant because tenure there has adapted to new circumstances without being converted to freehold.

It is necessary to say at the outset that people have different conceptions of communal tenure, sometimes assuming it to mean cooperative farming. Although it is important to acknowledge the existence of diverse forms of communal tenure in different parts of the country, it can be said that in general communal tenure has a strong element of individual use rights as well as communal grazing rights. While this article concentrates on forms of tenure in rural areas, it should be remembered that there are also important debates taking place about forms of tenure in urban areas.

Freehold myths

The South African government's land-reform legislation passed in June 1991 follows a pattern introduced in many African countries through the insistence of agencies such as the World Bank and USAID. They are important international players who are already engaged in discussions with government and opposition forces in South Africa. These agencies have argued that the conversion of communal to freehold tenure and the registration of land titles will lead to increased security of tenure, which will lead to agricultural investment and thus greater productivity. As a consequence a healthy land market will develop. This has in fact not occurred in most African countries where it has been implemented, such as Kenya and Uganda.

Increasingly in the last few years experts from these same institutions, Shem Migot-Adholla from the World Bank and David Atwood from USAID, have challenged these myths by exposing what has happened in reality on the ground. Let us look at what happened in practice in places like Kenya.

Kenya

The form colonisation took in Kenya has its parallels in South African history. White farmers were given the best land, worked by cheap black labour. Native reserves were created and migrants came to the cities to sell their labour, carrying identity cards which

described their homes as the place their ancestors came from irrespective of whether they were born there or lived there. Chiefs were imposed and given new powers to allocate land.

Individual freehold tenure for blacks was introduced in the 1950s during the Mau Mau rebellion, to which the issue of land redistribution was central. Large-scale land consolidation and registration took place because the government believed it would: 1) create a stable African middle class, 2) encourage security of tenure, 3) enable title to be used for credit and thus encourage agricultural investment, and 4) encourage the development of a land market.

In most parts of the country, however, security of tenure did not increase. The process of implementing freehold through registration provided a mechanism for the rich to get land while the poor lost their land. For example, the following groups of people lost their land: 1) Mau Mau suspects in the central province, 2) certain categories of tenants such as the *muhoi* and *jadak* groups, 3) landholders absent when the adjudication of land disputes took place, and 4) married sons or wives, as land was registered in the name of the family head.

As a result of this process tenure rights became unclear because, even where land was registered, customary law continued to influence the way in which most people dealt with their land. A gap developed between the

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control of rights in the land register and those recognised by local communities. Communities have ways of controlling access to land and using it which differ from controls imposed from above. This fact should not be ignored.

A further consequence was that smallholders failed to get credit or make investments. They did not want to use their land as collateral because they feared losing it if unable to repay their loan. The banks were not prepared to give collateral on moveable assets such as livestock or crops. They only gave it on land. Thus only large farms owned by wealthy individuals usually got credit. People generally did not make more investments because the risk factor was too great and there were no favourable credit facilities or government subsidies to assist them. The freehold-tenure system meant that the farmer had to take risks alone, without support from the community network.

A well-functioning land market has not been created in Kenya. The enforcement of a freehold system from above and the disregard for local customs has meant that, despite considerable government expenditure on land registration, customary law continues to determine sales and successions. In many areas people live on land registered in the name of another or of a deceased person. People refuse to give up their land even if they are forced to sell it on paper.

The assumption that freehold tenure would lead to increased production ignored the fact that people use land to satisfy a variety of needs – as inheritance for their children, for a second wife, for cash-borrowing power, for speculation, as a source of revenue or to farm.

In Kenya, as in South Africa, land has an important social security function. Urban jobs are not secure enough and do not provide for old age. Land in the rural areas provides a place for survival.

Another argument used by supporters of freehold tenure is that communal tenure leads to land degradation and freehold is the only answer to conservation of the environment. This myth is questioned more and more by environmentalists who point out that in semi-arid regions, such as the communal areas of Namaqualand, commu-

nal systems sustain the environment better than the economic units imposed by the government. It is well known that white farmers only reduce their stock when conservation legislation is enforced. Effective conservation legislation and enforcement with community participation and co-management, as is being developed in Leliefontein (Namaqualand), could well provide an answer.

Lesotho

The Lesotho experience illustrates how a communal-tenure system has adapted to new circumstances without being converted to freehold tenure.

The communal land tenure system in Lesotho allows all Basotho access to land for subsistence purposes and does not allow for land to be sold.

In Lesotho pressure for conversion to freehold from foreign-donor agencies and commercial farmers has been resisted by the government and those who believe in the communal land tenure system. Thus, despite the fact that productivity in agriculture has declined since the 1960s, most people live off wages from men working on South African mines and food is imported from South Africa.

The main reason for this resistance is, as a farmer says, 'Land is a sort of security. We mostly rely on working in the mines, and we start thinking about the time we will be coming home, and have nothing to live on. We will just get a few bags of grain [from our land] but it is much better than getting nothing. There are no pensions, nothing. That is the problem.'

The communal land-tenure system has adapted itself to accommodate an increased population and the resulting limit on land. It has also adapted itself to the fact that workers can earn more as migrants on the mines than from farming.

Share-cropping, renting and leasing arrangements have developed without leading to increased poverty. In share-cropping arrangements a household with land, but no resources, makes a deal with a household which has no land, but has access to resources such as draught oxen or tractors. Each gets half of the crop. According to customary law all Basotho have the right to land but because of population growth there is not enough land for all

– thus no more land can be allocated. Thus, for example, a migrant who has money and can buy/rent draught oxen or a tractor will make a deal with someone who has land to use the land.

In leasing agreements a farmer without land will enter into long leases with landholders who do not have the resources to farm. The landholders will be paid rent in kind. The length of the lease gives the farmer security to invest inputs which may increase productivity. In other cases rental may be paid in various forms: school fees, housing, cash, inputs for a portion of the land in exchange for the right to farm the remainder, or providing for widows in their old age. In more problematic cases landholders have been paid for land giving the buyers the customary right to use the land as their own. This has led to those with land losing their only bargaining tool and thus to destitution.

In general, commercial farmers in Lesotho see the absence of a land market as an obstacle to developing commercial agriculture. They argue that commercial agriculture will lead to higher levels of social security than land and ask: 'If they are self-sufficient across the border [in South Africa], why can't we do it here?' However, there are also counter arguments.

Weigh this 'self-sufficiency' up against the high death rate due to malnutrition in South Africa despite it being a country 'wealthy' enough to export food. This question can also be balanced against the following statement by Border communities:

'A hundred years ago the government said that individual ownership was a good thing for black people and it passed the Glen Grey Act. Twenty-five years later it said it was a bad thing and changed the policy back to a kind of communal tenure. Twenty years after that it started moving us around in our communities calling it "betterment". And all the while poverty and landlessness grew and grew. Now it says freehold is the best after all. We in the Border area are sick and tired of the government thinking it knows what is best for us.' □

Lala Steyn is the rural coordinator of the Surplus People Project

three tributes

'The quintessential revolution is that of the spirit', says Nobel Peace Prize winner Aung San Suu Kyi. The tributes, to her as well as Nadine Gordimer and the late Mama Zihlangu, show that their lives bear witness to this insight.



Aung San Suu Kyi



Nadine Gordimer



Mama Dorothy Zihlangu

Salute to Aung San Suu Kyi of Burma

Aung San Suu Kyi, Nobel Peace Prize winner for 1991 and prisoner of the Burmese government is the daughter of a revered national leader who was assassinated in 1989. Suu Kyi lived in exile until three years ago. Returning to help her ailing mother she soon became the focus of increasing anti-government protest and helped to found the National League for Democracy. The government house-arrested her in July 1989 but in 1990 had to allow free elections, in which the League won a landslide victory.

However, the military have hung on to power and Suu Kyi is still in isolation.

Here is a sample of her Gandhian philosophy, contrasting with the brutality of a government that massacred some 4 000 student demonstrators in September 1988.

'The quintessential revolution is that of the spirit, born of a conviction of the need for change in those attitudes and values which shape the course of a nation's development. A revolution that aims merely at changing official policies and institutions with a view to improving material conditions has little chance of genuine success. Without a revolution of the spirit, the forces which had produced the iniquities of the old order would continue to operate, posing a constant threat to the process of reform and regeneration.'

From *The Far Eastern Review*, 18 July 1991 available at the Black Sash national office.

Margaret Nash

Margaret Nash suggests readers write to Suu Kyi, affirming her commitment, and to the Burmese government calling for her release and for democratic rule. (Send letters or postcards via Black Sash national office.)

Tribute to Mama Dorothy Zihlangu

25 December 1920 – 11 September 1991

In June this year, the University of Cape Town awarded an honorary Master's degree to Mama Zihlangu, in recognition and in celebration of a life dedicated to the fight for freedom and justice in this country. She received the homage as a frail but proud little figure. The family had assembled from far and wide to share in the celebrations, which stretched over a couple of days and characteristically involved what appeared to be the whole of Greater Cape Town.

By then, she had suffered from ill health for a long time. However, her strong spirit and dedication prompted her always to live beyond her strength, to mobilise, organise and nurture. She recognised and was spurred on by the many tasks that lie ahead, especially in the women's organisations. The marginalisation of women at the ANC conference in June was a source of great concern to her.

Mama Zihlangu took part in the Defiance Campaign in 1952. She is well known for her part in building the Federation of South African Women in 1954. She often spoke about the march of the women to the Union Buildings in 1956, remembering her comrades Dora Tamana and Mama Silinga.

Mama Zihlangu played a major part in building ANC structures in the Western Cape. She was banned, arrested, detained several times – but her fighting spirit remained undaunted by harassment, restrictions, by physical danger and personal suffering. In 1960, she was released from jail just in time to give birth to her son Melisizwe. She and her husband were then both banned and put under house arrest. As

two banned people living in the same little house in Langa, they were given strict instructions not to speak to one another! (The banning was dropped after lawyers challenged it.)

In the late 1970s and throughout the '80s, Mama Zihlangu was instrumental in founding the United Women's Organisation and then, in 1987, in reviving the Federation of South African Women in the Western Cape. This she achieved despite restrictions placed on her during the state of emergency. The threat of imprisonment did not deter her from travelling far and wide to mobilise women and bring different groups of township and rural women into political organisations.

In three years (1985–1987) she spent almost 12 months in jail – without charges ever being laid against her. When she was not in jail, she worked underground. Many meetings of the Fedsaw executive during that time were held in parking lots or obscure venues in order to protect Mama from prying eyes. Her triumph came when she was able to attend the Malibongwe Conference in Amsterdam under an assumed name and with a false passport – and mischievously introduced herself to all of us there as 'Mrs Daniels'.

During the late '80s she often worked closely with the Black Sash and formed strong bonds with many members in the Western Cape. She often spoke of 'my friends on that side' – meaning the other side of the suburban railway line, where most of the Black Sash members live.

She displayed a remarkable warmth, generosity, concern and love for all people in all walks of life. In

Cape Town, she will also be remembered for making one of the more unusual of wedding speeches: In February 1990, when Cheryl Carolus and Graeme Bloch took time off from the struggle to get married, Mama Zihlangu (who had long pressurised Cheryl to marry and have children) delighted all assembled guests with a fiery speech of celebration, ending in a rousing 'And now apartheid can just fuck off!'

It is people like Mama Zihlangu who have, through their life and work, belied the ideologies of division and mistrust that have ruled South Africans for so long. Through them we have been shown some of the deep generosity of spirit that is able to forgive great and bitter injustices of our common past. It is a spirit from which we may draw strength and hope.

Hamba kakuhle Mama Zihlangu.

Karin Chubb

Salute to Nadine Gordimer

The award to Nadine Gordimer of the Nobel Prize for Literature is recognition of the quality of her work and confirmation of her world stature.

Nadine Gordimer would have been a writer wherever and whenever she happened to live. South Africans are fortunate that she has lived here, at this time, and has illumined this world with her vision.

Over the decades, writing that which she, as artist, has felt compelled to write, she has beguiled, amused, delighted, embarrassed and simultaneously conscientised her readers. Her work has led to new insights, keener perceptions, to a view – seldom flattering – of ourselves as we appear to others.

All South Africans should be delighted and proud that she has been awarded the Nobel Prize, an honour which will bring her new readers and will stimulate many to re-explore her stories, novels and essays.

Nadine Gordimer, who found herself a 'member of the minority-within-the white minority', achieved a balance between the demands of her craft and those of social responsibility. One remembers her encouragement of the literary magazine *Classic*; her vigorous opposition to censorship; her support for young and disadvantaged writers and of the Congress of South African Writers (COSAW); her outspoken opposition to injustice and courageous evidence at the Delmas trial.

Her living as well as her writing is an inspiration.

Nancy Gordon

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Going Green

Edited by Jacklyn Cock and Eddie Koch (Oxford University Press, 1991)

In 1971 Marvin Gaye wrote a song called 'Mercy, mercy me (the ecology)'. Among the words of the song were:

'things ain't what they used to be
where did all the blue skies go?
Poison is the wind that blows ...
oil wasted on the oceans and seas,
fish full of mercury ...
What about this overcrowded land,
how much more abuse from man
can it stand?'

He was way ahead of the now popular green movement. But a lot has since been written on the subject – in Europe the issues have become part and parcel of people's lives and politics.

In South Africa, though, these issues are lower on the agenda than the fight against apartheid.

In *Going Green*, Jacklyn Cock and Eddie Koch significantly raise the environment issue on the priority list by combining it with the apartheid issue into 'green politics' through a compilation of writings which have a common ideology – people are at the centre of the environment.

In this collection, the focus on people is regarded as primary to caring for nature. This is an important move from environmental awareness focused on the 'preservation of wilderness areas, and particular species of plants and animals' and campaigns to save the white rhino or stop seal culling.

Cock argues that 'green politics has to be anchored in the needs of the majority of the people and for the majority of our people environmental issues mean no clean water, no electricity and no proper sanitation'.

Green politics calls for an end to the arms race and the process of militarisation and it unites those people opposed to each other on other issues, she says.

The book is divided into seventeen sections.

There are the predictable ones dealing with the waste problem – chapter 11 – 'our current system relies heavily

and dangerously on the integrity of industrialists who bear the onus of disposing of hazardous waste correctly' – and chapter 12 – 'in the third world, erosion is associated with and caused by poverty; rural people, often pushed onto marginal lands for commercial or political motives, are forced to strip the land of wood for fuel, and resort to overgrazing or overcultivation to make a living. Thus, a cycle of land degradation and deepening poverty is set up.' But these chapters do not add much new to the debate.

Then, there are the fresh approaches. In chapter 6 – 'Reds and Greens' – Rod Crompton and Alec Erwin address the question of labour and the environment. This chapter argues that workers are often in the frontline of environmental abuse and trade unions therefore have a crucial role to play in the transformation process. 'Trade Union struggles for health and safety in the workplace constitute the first line of defence for an embattled environment,' they say. They further argue that the path for post-apartheid reconstruction must be one where pollution control does not mean the closure of factories and subsequent loss of jobs, but rather favouring employment. Thus, trade union involvement is essential, they say.

In chapter 8 – 'Flowers in the Desert' – David Fig deals with how a local community has taken on the Eskom and AEC parastatals to prevent nuclear reactors being built in Namaqualand. 'Must we prepare our own gallows?' was the community's cry. Plans for the nuclear reactors have not been shelved, but the fight against them is relentless.

Margaret Jacobsohn describes in chapter 14 – 'The Crucial Link' – her months with semi-nomadic Himba and Herero herders in the Kaokoveld. They showed how development of the community and the protection of plants can co-exist and how conservation underpins development.

Now, on to technical matters. Subjectively, the layout and design of *Going Green* enhances various sections. The good use of white space and highlighted quotes is particularly effective. This format allows the reader to seize on a specific chapter with clarity of mental purpose. Unfortunately,

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the centre gutter is too narrow and the text tends to disappear into the binding.

There is a good spread of photographs.

However, this brings one to a serious flaw. Notwithstanding the photographic contributors' prowess, the reproduction is poor, presenting images which are fuzzy and often vague.

The final edit also seems to have been somewhat neglected. Picture credits are inconsistent as regards type-face and positioning, there are many literal errors and quotes are repeated by the various authors. Some may argue that this attention to detail is irrelevant, but they detract from the book.

Despite these criticisms, *Going Green* is a good collection of writings of new environmental thinking in this country.

And 20 years on, it is good to know that South Africans are beginning to answer another of Marvin Gaye's questions: 'Who really cares?'

Obviously the editors and contributors do.

Diane Stuart

BLACK SASH PUBLICATION

Masisebenzisane – Let us work together

Penelope Geerds (*Black Sash*, 1991)

The South African Domestic Workers Union has been waiting for years for something like this – a handbook for domestic workers, and also for employers, telling them of their rights, advising them how to discuss matters such as a contract of employment, wages, workhours, overtime, leave, etc.

This Black Sash booklet is particularly good because it sets out these matters, and also analyses some of the problems that face domestic workers, in a way acceptable to both worker and employer. We examined and discussed this book at our SADWU Head Office and decided we would like to have copies in the hands of all our

national council members, and eventually get copies into the hands of all our members.

We are pleased to note that the Black Sash is agreeable to people copying the book, which means it can be supplied cheaply to many workers. We think it looks attractive and like the illustrations.

Penelope Geerds has done a tremendous job, and we are glad to work hand in hand with the Black Sash for better understanding between domestic worker and employer.

Myrtle Witbooi (*SADWU Head Office*)

The Bounds of Possibility: The legacy of Steve Biko and Black Consciousness

N. Barney Pityana, Mamphela Ramphela, Malusi Mpumlwana and Lindy Wilson (eds) (*David Philip*, 1991)

A brilliant book. It illuminates past, present and future in a way that is relevant to all South Africans. It also vividly reminds us of Steve Biko's courage, the starkly contrasting brutality of his murderers, and of the daily need for each of us to choose where we stand, and who we are. I believe that it should be read by every person seeking an understanding of oppression and liberation.

My point of view: I am not a Black Consciousness (BC) scholar, but have read about it with interest over the years. I aspire to being a feminist; the similarities between Black Consciousness and 'separatist' aspects of Feminist Consciousness are astounding. Apart from the narrative detail, you could in this book replace 'black man' with 'woman' and 'white' with 'man', and have an equally valid account of political realities. So, as much as a man can be pro-feminism, I am pro-black consciousness. (This may blind me to what others may see as a 'weakness' – a one-sidedness, an absence of contrariness in the book.)

The editors have succeeded in the two-fold goal articulated in their intro-

duction: 'one, an analysis of Steve's life and political contributions in the context of the political developments in South Africa today; two, to demonstrate that Steve Biko's philosophy and the ideas of Black Consciousness have spread through the whole thought structure of liberatory politics in South Africa'. They go on to say:

'Each contributor has also attempted to examine the legacy of that period in the light of contemporary political realities ... It has been particularly difficult to capture the essence of who Steve Biko was in a single chapter, but we believe that Lindy Wilson's chapter [a professionally documented, lively, heart-rending and thoroughly gripping story] forms a basis for further biographical work which will have to be done in the future. We present him as we saw him and interacted with him,' with love, respect and the unique context of their own intelligence.

N. Barney Pityana's contribution on medical ethics is chilling to the marrow; another, 'Revolution within the law?', exposes clearly the lie of South Africa's 'reputation of having an impartial and independent judiciary'.

In two of her contributions, Mamphela Ramphela's inimitable understanding of the dynamics of gender and of community development will be particularly stimulating and useful to Black Sash members.

Neville Alexander's 1974 paper is fascinating as 'a contemporary assessment of BC as it was happening, so to speak', and Geoff Budlender on 'BC and the Liberal Tradition: Then and now' will strike a chord with those 'whites' opposed to apartheid, for whom 'the emergence of Black Consciousness was a painful and bewildering development'.

Philosophical, historical, wonderfully readable, paper after paper further explores BC, in the context of its continued impact, the armed struggle, psychology, culture and theology.

The legacy of Black Consciousness inspires hope that the bounds of possibility are more expansive than we dare to believe at present.

Annemarie Hendrikz

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Jump and Other Stories

Nadine Gordimer (David Philip, Cape Town, 1991; 257 pages)

It is a pleasure as well as a challenge to turn from factual reports and analyses of our current situation to the deeper, many-faceted truth of art.

Nadine Gordimer's sixteen stories, mostly set in contemporary South Africa, deal with the consequences of political repression. A sure recipe for gloom? Indeed. Yet the book leaves one with a surprising sense of hope, of exhilaration almost, for in protesting the subjugation of the individual human being, Gordimer celebrates the dignity of the human spirit. Her readers share in that celebration.

Several tales derive from recent events, protagonists familiar from media reports; we enjoy observing how Gordimer, perceiving a particular significance, has embroidered, expanded a bare outline, to illumine her insight.

In the title story, for instance, a disillusioned counter-revolutionary changes allegiance and exposes the destabilisation he helped organise. The theme goes beyond destabilisation, to examine its dehumanising effect on the perpetrators. We develop a grudging compassion for the anti-hero, himself victim of political repression, rejecting, albeit too late, his corrupt patrimony.

A far more attractive hero (in 'Safe Houses'), recently returned from exile, is once again a fugitive from the courts, hiding in rugby crowds, at movies. We are fascinated by his adventures (real or apocryphal), by his wit, his chutzpah; but it is his courageous dedication to principle that gives significance to this tale.

A very different experience is that of the apolitical stockbroker jogging beyond his usual limit early on a Sunday morning. Suddenly caught up in a crowd of blacks hacking a man to death, he is saved by a squatter woman who bravely but angrily shelters him, and then reluctantly has her son guide him back to the main road. Safe home, he finds himself unable to speak about his experience, is immobilised when called upon to save or kill a bird

trapped in the drainpipe. Who is victim, who perpetrator?

The pleasure of reading these stories lies in sharing the wit and brilliance of Gordimer's writing; the exuberance of her artistic creativity, guided always by informed intelligence; her ruthless uncovering of motivation and prejudice; her presentation of new perceptions. And here lies the challenge: offered these new perceptions, dare we open our minds to them, make them our own, act upon them? Or do we say 'Brilliant!' and close the book?

Nancy Gordon

Apartheid City in Transition

M. Swilling, R. Humphris and K. Shubane (eds) (Oxford University Press, Cape Town, 1991)

There is no doubt that South African cities are currently being subject to an unprecedented degree to forces of change. However, as Mark Swilling points out in his introduction to this book, the significance of the transition in South African cities lies in its close interrelationship with transition in other spheres – the political and the economic in particular. In essence, the legacy of the apartheid city, which brought about the spatial separation of race groups, of income groups and of different forms of land use, has succeeded in affecting almost every aspect of the daily life of the urban dweller. And for those who are spatially marginalised, who are poor and not classified 'white', this effect has been almost entirely negative. The important lesson in this for policy makers is that whatever government is in power, or whatever economic system prevails, unless the issue of urban spatial structure and service delivery is resolved, the crises which currently beset the cities will continue.

This book provides a useful reminder of the multidimensional nature of the urban crisis and helps to focus the various arenas in which the crisis is manifesting itself.

Part I reviews the factors which,

historically, have shaped the urbanisation process in South Africa, and Part II establishes the current forms of urban management and representation. The subsequent three sections focus on different aspects of the urban crisis, the first being the fiscal crisis. The spatial and governmental fragmentation of the apartheid city have inevitably resulted in financial disaster for those local authorities (which are primarily in charge of African areas) dependent on a poverty-stricken residential population as a revenue base, and the political conflict which has ensued over the payment of service charges has been equally inevitable.

The second aspect of urban crisis is that of service delivery, and this section of the book focuses on housing, land and transport. The latter in particular is aptly described as a 'time-bomb'; the recently emerged taxi industry, which is a direct response to the spatial fragmentation of the cities and the impossibility of providing such cities with good public transport, may yet spark off conflict which will affect both political and economic transition.

The third section – on urban crisis – focuses on political issues and the positions of the various political actors at the local level: township organisations, liberal initiatives and the role of the Conservative Party are covered here. The final section of the book, entitled 'Strategic Perspectives', examines the way forward; it raises some important questions and it is clearly here that our greatest concerns must lie if transition is to occur successfully.

Vanessa Watson (Director: Urban Problems Research Unit)

Living, Loving and Lying Awake at Night

Sindiwe Magona (David Philip: Africa South New Writing, 1991; 168 pages)

I had enjoyed Sindiwe Magona's first book and looked forward to reading more about her life – how she managed to get away from selling

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sheeps' heads (oh, the smell and the flies!) and to improve her situation. So I was a bit disappointed to find a collection of stories, but as I read I was won over. There are these stories about domestic workers; we all know women who have been in situations like these, but Sindiwe Magona describes things just as they are, making you want to laugh and to cry, just as life does. That poor woman having to leave her children with an unloving mother-in-law, because her husband fails to support her. 'Tssp! Her husband was a dog that unsheathes itself onto a tuft of grass. He forgot the grass he'd peed on. Forgot what came from that. Ttssp-Ttssp!'

And then there is Atini, her 'medem' calls her Tiny – name too difficult to remember! – and because Atini is desperate for work and shelter, she must humbly accept whatever her 'medem' tells her; a funny little woman, not bad, but just selfish, unable to see another person's point of view.

This book will amuse workers because we recognise our lives in it. It may amuse employers too, because Sindiwe Magona can write very cleverly; but hopefully it will also give white people a better understanding of what life is like for black people, especially for a black domestic servant, your husband gone or passed on, living away from your family and children, in a little room by yourself, struggling just in order to earn a few rands for educating your children or helping your mother – no hope of saving for your own old age.

Ellen Kuzwayo's stories are about olden days; the male writers describe life in the Transvaal townships. But Sindiwe Magona, really she tells it just as it is here in the Cape, or as it was very recently, before the violence.

We black domestic servants know so much about the life of white families, we can understand their problems. Sindiwe Magona gives white families the opportunity to learn something about our lives and our problems. I hope she will reach many people.

Nomalizo Kamisa

Women and Resistance in South Africa

Cherryl Walker (David Philip, 1991)

First published in 1982 (Onyx Press, London) this important book is no doubt well known to most readers of SASH, despite the fact that it was banned and unavailable in South Africa for many years.

As first published, it detailed and recorded her story of 20th century political struggles of South African women and immediately became – and still is – an invaluable resource for academic and activist alike.

Not everyone agrees with Cherryl Walker's analysis, and even some facts in the book were questioned. However, it would be gratuitous to revive the debate here, and interested readers are referred to the *Journal of Southern African Studies*, 10/1 (1983), *Work in Progress* 34 (1984) and 36 (1985), as well as an unpublished paper by Josette Cole (Department of Economic History, University of Cape Town, 1985).

Walker herself scrutinises the material with care and fresh insight, in the preface to the second edition. This preface is in itself a stimulating contribution to contemporary political discourse and examines in a thought-provoking way such concepts as, for example, motherhood and the family.

I would recommend that women who read the first edition re-engage with the author, nine years later, by reading the second edition preface – which will probably tempt you to re-read the whole book. To those who have not yet explored these pages, you are missing out on a very important part of your own heritage as South African women.

Walker's conclusion of the second preface speaks for itself: '*Women and Resistance* does not present a coherent theory of gendered politics in twentieth-century South Africa; it is, as already noted, a task that has just begun. As suggested in the previous section, I believe that developing this theory requires taking seriously women's own understandings of their roles and pri-

orities – moving beyond seeing them as mere victims of patriarchal domination to an appreciation of their own, gendered interest. It also requires taking their history seriously. This *Women and Resistance* attempts to do.' I believe it succeeds.

Annemarie Hendrikz

The Time of the Stilted People

Anne Schuster, illustrated by Peni van Sittert (Buchu Books, 1991; 88 pages)

Storyland

Compiled by Jay Heale, illustrated by Joan Rankin (Tafelberg, 1991; 160 pages)

The *Time of the Stilted People* is an adventure story for seven- to eight-year olds which from the very first page is exciting, with an original theme.

The stilted people are a race apart and although they look and behave very differently from other people, they have some similarities. They are not appealing, with their shaved heads, painted faces, bodies that make them look like living corpses on stilts.

They move from town to town luring people into a trance with their hypnotising smell and weird ways. Then a band of six friends helps bring life back to their own community.

A wonderful story that is jam-packed full of fun.

It is wonderful these days when you find a collection of good South African stories, especially when, as in *Storyland*, you get 27 all in one go.

These stories – for 11- to 14-year olds – are well selected and make a perfect combination, ranging from shipwreck, adventure, a cricket game to dinosaur adventures, folktales, true stories, and Christmas treasures.

Most of the stories are original – I wished there were more.

Rebecca Haynes (aged 14 years) □

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South African Cities: A manifesto for change

David Dewar and Roelof Uytendogaardt (*Urban Problems Research Unit, University of Cape Town, 1991; 113 pages, illustrated*)

Despite the importance of urbanisation, and the magnitude of economic, social and political problems which potentially accompany it, there are very few fundamental questions being asked about what South African cities should become: there is none of the intense debate which occurs, for example, around economic and political futures. The book develops from a base of first principles and, arising from this, a set of concrete actions which, the authors argue, represent a positive path forward towards increasingly more convenient, efficient, viable, equitable and liveable cities.

The primary purpose of the book is to initiate, and to contribute to, a vigorous debate on urban futures which will result in positive, large-scale actions within a short period.

An Unofficial War – Inside the conflict in Pietermaritzburg

Mathew Kentridge (*David Philip, 1990; 249 pages, illustrated*)

Report on the struggle between Inkatha and the UDF and its horrific effect on the lives of individuals; the roles of the warlords and of the police; peace-broking. Includes a chronological overview from September 1987 to June 1990. Index. Weakened by a striving for readability.

The Killings in South Africa

(*Africa Watch, USA, 1991*)

Deals with the violence in Natal and the Transvaal, focusing on the role of the security forces and the response of the state. Chilling report, concise and objective, by a respected monitoring agency.

Flashes in Her Soul – The life of Jabu Ndlovu

Jean Fairbairn (*Natal Worker History Project, Buchu Books, 1991; 90 pages, illustrated*)

Warmly personal story of a strong and compassionate woman, dedicated shop steward of the National Union of Metal Workers of South Africa and community leader of Imbali, killed with her husband and daughter in the war in Natal. Try to listen to the magnificent singing of Bambatha's Children for a fuller appreciation of the suffering in Natal Midlands.

Songsources: Using popular music in the teaching of English

Terry Volbrecht (*Buchu Books, Cape Town, 1991*)

This book will be a valuable addition to any school language library and also a rewarding book to dip into for anyone interested in promoting language skills outside the formal classroom. It provides a bridge between conventional and more communicative approaches.

Volbrecht suggests communicative ways in which popular songs can be used to make the syllabus relevant to students' interests. It is specially appropriate as it includes local, not only Eurocentric or American, popular songs.

N. M. G. □

LETTERS

nuclear power and gender activity

Andrew Kenny replies to Mike Kantey's critique (*Letters, SASH, September 1991*)

I am replying to the extraordinary letter by Mr Mike Kantey, not only attacking my article in favour of nuclear power but also your magazine for publishing it. Mr Kantey is entitled to his opinions but he really must get his facts right. To reply to his six points:

- 1 Nuclear power in the West has proved safer than any other means of generating electricity, including solar power. The Chernobyl accident happened because of a crazy reactor design which would never be allowed in the West. But even the 'holocaust' of Chernobyl caused far less death and disease than coal burning in the communist countries.
- 2 Nuclear power produces the cheapest electricity in the European Community.
- 3 The nuclear power industry is the only power industry that has solved its waste problem. The wastes from coal stations are more dangerous than nuclear waste, last longer and are massively larger. There is no technology for collecting and storing coal wastes, some of which remain dangerous forever.
- 4 There is less connection between nuclear power and nuclear weapons than there is between the steel in a sword and the steel in a ploughshare.
- 5 Whether or not electricity should be centrally produced is a separate argument affecting most forms of electricity production.
- 6 There is enough uranium in the earth's crust to supply man [*sic*] with energy until the sun burns out.

I used to work for ESKOM, in both its coal stations and its nuclear station but no longer do so. I do not earn a penny from the nuclear industry. I support nuclear power because, from my experience in the power industry and from my reading, I believe nuclear power to be the cleanest and safest form of electricity generation, includ-

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ing all the forms of 'alternative energy'.

It is pure sexual bigotry to suggest that you can give a gender to a technology and call it 'masculine'. Science belongs to all of us. Although, to be candid, I must admit that some of the strongest support I found for nuclear power comes from the women working in the nuclear industry. This is probably because nuclear power offers the best future for their children.

Recently I took part in a friendly and constructive debate on nuclear power with Earthlife Africa in Johannesburg. Both they and SASH magazine have shown that they are in favour of open debate with both sides being allowed to present their arguments. I urge Mr Kantey to follow their enlightened example.

maintain the watchdog role

Basia Ledochowska, Cape Town, writes:

I have just read M. Ottaway's article (SASH, September 1991) and I want to tell you how impressed and encouraged I feel. I hope that the Black Sash will take as seriously its role as the watchdog of human rights under any future government, as it did in the era of apartheid.

I think it was, of all people, Lenin, who said that every government tends to oppress its subjects. Simone Weil, that great philosopher of human rights, talks about 'justice this fugitive from the victorious camp'. In other words any government in power 'needs constant watching' to quote Ottaway.

I believe that the danger of misdeeds by the people in power going undiscovered is greater in South Africa than in European countries because the majority of the working population is by the fact of its illiteracy practically cut off from the possibility of exercising control over the authorities.

I should like to add another observation to Ottaway's list of difficulties preventing people from denouncing human rights violations. There is a tendency among people who suffered

under one system of government to support a system which appears to be its antithesis. People from eastern Europe who came to South Africa in the last 40 years tended to support the Nationalist government because of its strong condemnation of communism – whose oppressiveness made them flee their motherlands. Now, people who suffered under apartheid show a tendency to greatly admire communism whose appalling human rights record in every country in which it was established is glossed over.

Having had the opportunity of observing both 'regimes' at close quarters – I found many remarkable similarities in their treatment of ordinary people. False dichotomies of that kind are a favourite weapon of demagogues and need watching very closely.

Let us hope that the Black Sash will never waver in its determination to denounce human rights violations including doublespeak and misinformation from whichever quarter.

a plea for the dedication

Ann Stekhoven, Cape Town, writes:

I would like to congratulate you all on the excellence of the September issue of SASH magazine.

However, it has disappointed me very greatly that the 'dedication' has been left off the back of the cover, not only in this issue, but many others as well.

Do members of the Black Sash not want to remember this dedication? Has it been forgotten – or deliberately discarded?

I, and I know many others, feel that whatever new ideas and focuses we may have, it cannot be right to remove these words, which point to the inspiration, trust and faith that have helped us build and be creative.

Can we please have it back to refresh our hearts and minds?

Refer to back page (editors)

'significant sisters' recommended

Betty Davenport, Cape Town, writes:

I usually find I read SASH from cover to cover, but seldom have I read an issue as the September 1991 with such sustained interest and appreciation. I think you have put together an extremely balanced edition with enough analysis of the position of radical and marxist feminists and of liberal and socialist feminists to make it acceptable to all. I found the articles by Dorothy Driver, Denise Ackerman and Fidela Fouche particularly thoughtful.

I can recommend a library book which makes really absorbing reading, about the women whose 'fanaticism' paved the way for changes in legislation in their field – *inter alia* law, medicine, education, politics, birth control – during the late 19th and early 20th centuries. It puts into perspective those causes which have been addressed for over 100 years, and which, despite improved legislation, are still areas where women are discriminated against.

The book is Margaret Forster's *Significant Sisters – The grassroots of active feminism 1839–1939*; Penguin, London, 1986 (ISBN 0-14-008172-0).



NEWS-STRIP

Regional news

Bophuthatswana stand, arrest and human rights

The actions taken by the Bophuthatswana government in response to the Black Sash stand in Mmabatho as reported in the international media, illustrates how little president Mangope is concerned about human rights and how even the most innocent of political actions is disallowed in his homeland.

The prospects for Bophuthatswana hunger striker Johannes Semilane look bleaker than ever. There is also increased concern that the Mafikeng Anti-Repression Forum which gave support to the Black Sash stand and to members while they were in jail, will now face even more harassment than in the past.

Barbara Klugman
(Transvaal region)

On 11 October, members of the Natal Midlands Black Sash, joined by representatives from the Democratic Party, the Pietermaritzburg Agency for Christian Social Awareness, the Association for Rural Advancement, the ANC Women's League, and the End Conscription Campaign, stood in silent protest against the arrest of 11 of our members in Bophuthatswana.

Jenny Clarence
(Natal Midlands region)

Capital punishment group

A dossier has been compiled on the death penalty as requested by the Bophuthatswana representative at the Chancery. Included amongst other information is a copy of Inside South Africa's death factory and an address by Peter Storey delivered in Johannesburg in 1989. The dossier was forwarded with a letter dated 1 October 1991 to president Mangope. To date, no reply or acknowledgement has been received.

Isie Pretorius
(Northern Transvaal region)



The Daily News



Gill de Vlieg

Beulah Rollnick beginning her 100th day book at the Johannesburg Black Sash advice office. (All cases are written up in 100-page day books. On an average there are two to three cases per page.)

Sylvia Nilsen honoured

On 23 October 1991, Sylvia Nilsen, a member of the Natal Coastal region, was named Woman of the Year by the Durban branch of the Union of Jewish Women.

Sylvia Nilsen is a long-standing member of the Black Sash and has worked in the Natal Coastal advice office since 1985. She is now the pensions co-ordinator for the Natal Midlands office. She was named Woman

of the Year for her outstanding contribution to the community, particularly in the field of disabled rights. In this regard she started the South African Brittle Bone Association in 1979. At present she is vice-chairperson of the South African Inherited Disorders Association.

Ann Strobe
(Natal Midlands region)

NEWS-STRIP

Western Cape:**Peace initiatives and monitoring**

As the tragedy of the taxi war continues, Black Sash members in the Western Cape are very involved in monitoring the situation, and are called out on a daily basis to take statements and offer support to people who have had their homes burnt down, and relatives and friends killed. They are involved in the Western Cape repression monitoring group which has been part of the Quaker Peace House Resource Forum over the last months. The group operates as an information-sharing forum, looking at reports on unrest and violence coming in from township fieldworkers, the Urban Monitoring and Awareness Committee (UMAC), civic associations, the Western Province Council of Churches (WPCC) and others.

Helen Zille chairs the Police Forum meetings at which the Black Sash also has four representatives. One of the concerns expressed at these meetings is that the police in uniform and camouflage dress frequently do not wear any form of identification on their clothing in their patrols in the townships.

The Black Sash is also represented on the Peace Committee initiated by the mayor of Cape Town, Mr Frank van der Velde, and archbishop Desmond Tutu.

Carol Lamb

(Cape Western region)

Book launch

On 27 September, together with Fogarty's bookshop, a launch was held for Kathryn Spink's book *Black Sash: The Beginning of a Bridge in South Africa*. Lesley Frescura, the region's newsletter editor, gave a short address to the members and supporters present, which looked at the history of the organisation and ahead to the future.

Judy Chalmers

(Cape Eastern region)

Visits by leading international feminists

Above: Rudha Kumar receiving *Fractured City*, a Black Sash publication, from Mary Kleinenberg.

Right: Angela Davis.

Angela Davis, American human-rights activist and author, toured the Pietermaritzburg unrest areas with members of the ANC Women's League. The branch was invited to join them for a morning's discussion and several members also attended a seminar which Davis addressed at the University of Durban-Westville.

Radha Kumar, one of India's leading feminists, was also in Pietermaritzburg for a few days which enabled the branch to spend several hours with her in fruitful discussion about her involvement with the community in Bhopal, particularly the women, after the disaster there. Her courage and commitments often in the face of extraordinary odds, is an example and encouragement to us all.

Jenny Clarence

(Natal Midlands region)

Robben Island photographic exhibition in Cape Town

Penny Sachs has been responsible for arranging an exhibition of photographs featuring returning political prisoners, mainly from Robben Island. This has been displayed at various venues, for example Cowley House and the Baxter Theatre complex in Rondebosch, with great success.

NEWS-STRIP

Northern Transvaal:**Private events**

Enlarging membership appears to have been the primary pre-occupation of the region! We welcome secretary Cathy Matthews' twins, committee member Kathy Payse's daughter and chair Kerry Harris' son.

Isie Pretorius

(Northern Transvaal region)



Kerry Harris and son, Benjamin

The domestic workers group

This has concentrated on giving input on the recommendations put out by the National Manpower Commission regarding the extension of labour legislation to domestic workers. Apart from internal discussion, a general meeting was held to which the South African Domestic Workers Union (SADWU) was invited.

I have been involved as a researcher in a study commissioned by IDASA at the request of the eMgwenya community (Watervalboven). It aims to assess income patterns of households and the affordability of services provided to residents. The report hopes to provide the relevant information to all bodies involved in the negotiation process regarding the future of the administration of the area.

Penny Geerds

(Northern Transvaal region)

The move towards a single municipality

Although Knysna was in the news a few years ago when the idea was put forward that it have a single municipality, there has since then been little tangible progress on the issue and no attempt to discuss it in a public forum. Therefore when Cape Western's advice office committee decided to hold its September meeting in the local advice office, the opportunity to organise a public meeting about a single municipality was seized. The meeting was well attended by all sections of the community, who heard the views of the mayor, the town clerk, the Knysna Civic Association, and the Hornlee Interim Management Committee on the issue. Jenny de Tolly rounded off with a general overview of the situation in South Africa, and the franchise locally and abroad. A lively discussion ensued, and many points were made and grievances aired.

The branch is proud of its organisation of the meeting, the feedback from which was positive, and is optimistic that if the momentum is not lost something constructive will flow from the occasion.

In the ensuing weeks, the Southern Cape branch of Cape Western has been invited by the municipality to attend the inauguration of a new clinic in 'White Location', and a 'think-tank' on job-creation for school-leavers.

Carol Elphick

(Southern Cape branch)

Patriotic/United Front conference

Representatives from the Black Sash attended the Patriotic/United Front conference held in Durban in October.

Attended by 92 diverse organisations, it aimed to mobilise the forces of democracy to act in unity with a common viewpoint on the process of transition – which formed the substance of discussions. The conference was divided into four sessions – one each on interim government/transitional authority, all-party conference/pre-constitutional assembly meeting, constitutional

assembly, and violence. Our greatest frustration was that of being unable to speak for the Black Sash on these issues as we have not yet developed official positions on them.

The theme which dominated discussion was violence. It seemed clear that everyone present accepted that the current violence was being orchestrated, if not initiated by the state. There was a general feeling of crisis, that *something* had to be done, every time the topic was raised. I found myself (and I think many others did too) feeling caught in a catch-22 situation – that transition will be difficult, if not impossible, whilst violence continues; but until there is transition (at least to the point of an interim government), violence will inevitably continue.

Although no conference is without its frustrations and problems, it was exciting to be part of such a historical event, a useful and positive stage in the process of change to a democratic, peaceful South Africa.

Anne Truluck

(Natal Midlands region)

Discussion group on a constitution

Although issues and events often pre-empt debate, regional council has formed a small discussion group to begin investigating the processes towards the development of a new constitution for South Africa. They have drawn up a questionnaire which has been sent to all regions, and the responses to this will be formulated into a document for National Conference 1992.

Carol Lamb

(Cape Western region)

Women's issue group

The October general meeting was organised with the focus being on how the Black Sash could become involved in the campaign for a Women's Charter. It was addressed by representatives from the ANC's Women's League and the Democratic Party.

Laura Best

(Northern Transvaal region)

NEWS-STRIP

Training courses in the P.E. advice office



Above:
Cathie Binnell, Debbie Matthews and
Hern Luyten (SACHED) with trainees in
the Black Sash P.E. advice office,
October 1991.

The Port Elizabeth advice office (now called the Black Sash advice office) has organised six three-week courses in the past twelve months, with attendance from advice office workers in 13 rural areas in the eastern Cape and also from urban offices. It is hoped that next year more support and training will be offered in order to strengthen the network of rural offices that is becoming established.

Judy Chalmers
(Cape Eastern region)

Casspir debate

The Black Sash and the End Conscription Campaign joined forces on two Sundays in protest at the presence of a casspir, billed by the organisers as a welcome diversion for children, at a local market. The stand drew considerable public interest and copies of the letter written in protest to the officer-in-charge of the police reserve were handed out to people in the park. The casspir is still on display, however, to people who seem unwilling to admit to or recognise the very serious statement its presence is making.

Jenny Clarence
(Natal Midlands region)

Below:
The protest action against the
presence of a casspir at the
Pietermaritzburg market.



Obituaries

Olive Forsyth

Olive Forsyth, an early member of the Black Sash, died in Port Elizabeth on 30 May 1991, aged 88.

She joined the Black Sash in Pietermaritzburg virtually at its inception, working and standing with other stalwarts like Maimie Corrigan, Meg Strauss and Pam Reid.

She was one of those who stood in Bergville when minister Paul Sauer arrived to address the local agricultural show and, on that occasion, was accompanied by her daughter Bridget (Ward) who is an active member of the Transvaal region.

Pat Tucker

Lesley Martin

Lesley Martin, a staunch supporter and committed member, died whilst on a visit to her son in America. We will miss her intellect, her caring, and her wonderful feisty letters to the press. She was a lesson in courage to us all.

The Black Sash dedication

In pride and humbleness we declare our devotion to the land of South Africa; we dedicate ourselves to the service of our country. We pledge ourselves to uphold the ideals of mutual trust and forbearance, of sanctity of word, of courage for the future, and of peace and justice for all persons and peoples. We pledge ourselves to resist any diminishment of these, confident that this duty is required of us, and that history and our children will defend us.

So help us God, in whose strength we trust.