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SOUTH AFRICA'S COMMON SOCIETY

A paper prepared by Jack Simons for the seminar programme of the African Studies Institute, University of the Witwatersrand, Johannesburg, 25 February, 1991

Preface

Civil Wars and Imperial Wars

I circulated a draft paper in February 1989 with the title "South Africa's Civil War: Revolution and Counter-Revolution". It had two parts, one called "Resistance and Repression", the other "South Africa's Common Society". Together they made out a case for identifying the struggle as a civil war arising out of a revolutionary situation.

The terms are complementary, not contradictory. A civil war by definition is an armed conflict between combatants who are citizens of the same state, belong to the same society, and take up arms in a struggle for political power.[1] The most bitter and ruinous war of the last century was the civil war fought in the United States in 1861/2 between the slave-owning Confederacy and the Union of free labour states.[2]

A South African example of an imperial war was Britain's war of 1899-1902 against the Boer republics, fought by an aggressive power to establish control over the whole of Southern Africa in keeping with the ambition of Cecil John Rhodes (1852-1902) to paint the map red from Cape to Cairo.

An Historical Footnote

The idea of a common South African society is as old as the African National Congress. Founded on January 8, 1912, it set out to unite all African tribes in defense of their rights and privileges. The overriding issue was the South African Act of Union which took effect on 32 May, 1910. Drafted by an all-White National Convention in 1908/9, and adopted by the British parliament in 1909, the Act prohibited Africans, Coloureds and Indians from sitting in parliament and gave them the vote only in the Cape Province.

> "When translated into practice this Act meant the repression of all Blacks in every conceivable form; it was used to curtail African freedom of movement; to deny the Blacks rights of trading in their areas; to cripple their education and generally to deny them basic human rights and chances of equality of opportunity in economic development, cultural welfare and social advance."[3]

This passage has been taken from a booklet issued by the A.N.C. to celebrate its 70th anniversary. Its President, Oliver Tambo, marked the occasion with a message calling for Freedom, Equality and Democracy. In his words:

> "The African National Congress of South Africa has remained faithful to the cause of Freedom. It leads the national struggle for the emancipation of all oppressed and exploited Black people. It stands for a new order in South Africa where racism shall be a thing of the past and human dignity and equality shall prevail in the life of our country."[4]

His words echoed the message of Chief Albert Luthuli (1898-1967), the President-General of the A.N.C., to its annual congress in December 16-19, 1959, the last one held before it was outlawed in 1960. In anticipation of the ban, the Chief wrote on May 28, 1957 to the Prime Minister, "Baasskap Strydom", suggesting a multi-racial convention to seek a solution to the country's pressing problems. Apart from a curt, formal acknowledgment by Strydom's private secretary, saying that the contents had been noted, the government ignored the proposal. Yet the letter contained profound observations on the nature of the South African Society which deserved close scrutiny by the head of government. Chief Lutuli was a deeply religious Christian, the recipient of the Nobel Peace Prize in Oslo, 1961, and widely esteemed within South Africa and abroad for his positive contribution to the concept of a common society , a theme that figured prominently in his letter to Strydom, as the following excerpts reveal.

> "...Congress believes in a common society and holds that citizens of a country, regardless of their colour, have the right to full participation in government and in the control of their future (at p. 38).
>
> Firstly, we believe in a common society because we honestly hold that anything to the contrary unduly works against normal human behaviour, for the gregarious nature of man enables him to flourish to his best (in) association with others who cherish lofty ideals.
>
> Apartheid, so far, has revealed itself as an attempt by White South Africa to shunt the African off the tried, civilised road by getting him to glorify unduly his tribal past.
>
> Secondly, we believe that the close spiritual and moral contact facilitated by a common society structure in one nation makes it easier to develop friendship and mutual respect and understanding among various groups in a nation; this is especially valuable in a multi-racial

> nation like ours and these qualities...are a sine qua non to the building of a truly united nation from a heterogeneous society.
>
> Lastly, we hold the view that the concept of a common society conforms more than does apartheid to early traditional closer Black-White contact...Christian teachings and the education that accompanied it.
>
> Strongly holding as we do to the views I have just stated, you will appreciate, Sir, with what heartfelt concern, alarm and disappointment we learnt recently from Press reports that the Government intends banning the African National Congress and arresting 2,000 more of its members...such an action would serve to increase the dangerous gulf that exists between the Government and the African people and, in particular, those African leaders who have knowledge of social and economic forces at work in the modern South Africa of today and the world in general (at 39).
>
> My people crave an opportunity to work for a great United South Africa in which they can fully develop their personalities and capabilities to the fullest with the rest of the country's population in the interests of the country as a whole."[5]

Two years later, the Sharpeville Massacre gave the regime the excuse it wanted. Acting under the Public Safety Act of 1953, it declared a state of emergency, outlawed the A.N.C. and P.A.C., and detained without trial some 20 000 active members of the Resistance.

The Public Safety Act and General Laws Amendment Act of 1953 were introduced to suppress the campaign for the Defiance of Unjust Laws launched by the A.N.C. and South African Indian Congress on June 26, 1952. It continued through 1953. Early in 1955 the A.N.C. began an organised attempt to bring people together in a Congress to voice their demands. From this emerged the Freedom Charter, formally adopted on June 26, 1955. Its opening sentence dramatically claimed that "South Africa belongs to all who live in it, Black and White, and...no government can justly claim authority unless it is based on the will of the people". In 1956 the government began the Great Treason Trial, with the Freedom Charter its centerpiece. The trial ended in 1961 with the acquittal of the accused.

I too was a political prisoner, detained under the emergency regulations imposed in 1960. While in prison, I wrote a piece on the structure of South Africa's common society. Shortly after my release, I spoke on the same topic at a NUSAS conference in the University of Cape Town, where I taught Comparative African Law

and Government in the School of African Studies. I claimed that the concept corresponded to reality and provided useful insights into relations between Black and White South Africans.[7]

Z K Matthews,[8] formerly professor of Social Anthropology, Native Law and Administration at Fort Hare, tackled the same theme in a more elaborate study , entitled "Social Relations In A Common South African Society". Close co-operation between Black and White, he pointed out, was a daily occurrence at places of work in mines, factories and farms, as well as schools and institutions of higher learning. Integration was as much a part of South Africa's tradition as segregation and apartheid, and had a far higher moral content.

He made two points that are relevant to our immediate situation. The South African constitution, drawn up by Whites only, was based on the assumption of the permanent political subordination of non-Whites. The time was overdue, he claimed, for a new constitution to be drawn up by representatives of all sections of the population in a national convention in which the rights of all could be adequately safeguarded (at p. 23-24).

The other argument worth repeating appears on p.26. "The time has come" he wrote, "for us to abandon the policy of compulsory apartheid as something that has been tried and found wanting, and substitute it for a policy which frankly recognises the interdependence and the necessity for co-operation between the different sectors of our population on a basis of equality".

His concluding message was that through co-operation over a long period of time, Black and White were inextricably bound together in a fundamental spiritual sense. Any policy "based on the assumption that White and non-White in South Africa belong not to one country but to two or more entirely different worlds, is fundamentally wrong for South Africa both on historical and practical grounds" (at p.27).

The Integrationists

Chief Luthuli, President Tambo, Professor Z K Matthews and their small band of adherents proved to be correct, morally and scientifically. They had to wait forty years for an official vindication of their belief in a common society; but President de Klerk's surprising announcement on February 2, 1990, was a culmination of pressures, struggles and resistance to oppression foreseen by integrationists during the preceding half century.

Interdependence, the keystone of the common society concept, was fully demonstrated in spite of attempts by the apartheid regime to keep Africans out of the urban-industrial complex by means of pass laws, influx control, police raids and arrests, numbering more than 74 000 a year in 1981. The government looked down on

urban Africans as temporary residents who should return to bantustans. Dr Koornhof, the Minister of Co-operation and Development, told the Cape National Party Congress in 1982 that African urbanisation would be checked by influx control laws and urbanisation of rural areas.[9]

A more truthful approach was put forward by Dr van Zyl Slabbert, leader of the Progressive Federal Party (P.F.P). The "inevitability of urbanisation had to be accepted", he said, "and attention turned to deploying resources to accommodate a growing number of people in the urban areas rather than, as under the Nationalist government, of forcibly trying to keep them in poverty in the rural areas. Housing policy would have to be dramatically revised and land and essential services made available by the state to assist people to build houses."[10]

P W Botha's Reforms

The National Party (N.P.) scored a two-thirds majority in a referendum of White voters held on 2 November 1983 to approve a new constitution. The official opposition, the Conservative Party (C.P.), the Herstigte Nasionale Party (H.N.P) and the banned A.N.C. called for a "no vote". The Coloured Labour Party objected to the exclusion of Africans, but said it would participate in a proposed Coloured chamber. Opposition on the extra-parliamentary front gave rise to the birth of the United Democratic Front (U.D.F.) representing a wide range of local organisations.

A bill containing the new constitution was introduced to parliament in May 1983. On the 22 September the Republic of South Africa Constitution Act, 1983 became law. It provided for an electoral college of White, Indian and Coloured members of parliament to elect the president, who became both head of state and head of government.

The new parliament consisted of a White House of Assembly with 178 members, a Coloured House of Representatives (85 members) and an Indian House of Delegates (45 members). The "control and administration of Black affairs (were) vested in the State President". F W de Klerk, Minister of Internal Affairs and member of the cabinet committee said that the N.P. rejected the notion of a fourth chamber for Africans. It was "nonsense" to suggest that they should be given political rights outside their own tribal groups.[11]

Mr de Klerk's appointment had taken place during a cabinet reshuffle in 1982, necessitated by a split in the N.P.'s parliamentary caucus which resulted in the expulsion of Dr Treurnicht and 16 MPs who followed him. They launched the C.P. in Pretoria with a programme aimed at excluding Africans, Indians and Coloureds from political rights in "White" South Africa,

removing them physically to their "homelands", and enforcing strict apartheid measures against Africans, including the repeal of measures granting them rights of permanent residence outside the bantustans.

Africans Revolt

The widely publicised debates on the tri-cameral constitution were an excellent form of political education. Africans in particular were alerted to the great injustice inflicted on them. Their exclusion from the new parliament stirred them to anger beyond anything seen before. The explosion came in 1985 in the form of school boycotts, stay-aways, strikes, consumer boycotts and outbreaks of violence between Inkatha and the U.D.F. in Natal, and between the U.D.F. and the Azanian People's Organisation (AZAPO) in the Eastern Cape.

Each side to the conflict blamed the other, Inkatha saying that the U.D.F. had entered space in Northern Natal around Pietermaritzburg which rightly fell within its sphere of influence, while AZAPO continued to blame the A.N.C. for violence in the townships dating from 1983.*

P W Botha, the State President, responded to the revolt by declaring a state of emergency on 21 July, 1985 in some districts and after various fluctuations imposing it on the whole country, exclusive of the various "independent" bantustans, on 12 June, 1986. The national state of emergency was reimposed in June 1987 and again in June 1988.

States of Emergency (S.O.E.)

South Africa's first national state of emergency was imposed in 1960 after the Sharpeville Massacre, followed by the ban of the A.N.C. and P.A.C. The S.O.E. is a form of military rule, familiar in times of war, revolutions and resistance to foreign armies of occupation. The South African variant comes into effect by a proclamation issued in the name of the State President and valid for 12 months renewable with parliament's approval for another year at a time.

* AZAPO's national congress, which met in Langa, Cape Town, on 22-23 December, 1990, heard a report by a commission on the causes of violence. It alleged the violence resulted from intolerance and a bid by the A.N.C. to impose its political hegemony; secondly, the lack of political education among the youth; thirdly provocative songs, graffiti and slogans which portrayed every youth as a member of SAYCO or SANSCO; stay-aways and school boycott campaigns enforced by intimidation.

Regulations issued under S.O.E. proclamations include many repressive measures already held by the State Security Forces (S.S.F.), and new ones added at will. The heart of the matter is government by executive decree, making parliament a rubber stamp, overriding the rule of law, and giving every policeman, prison warder and soldier arbitrary powers of arrest and detention without warrant. An indemnity clause protects them against claims for damages arising from their unlawful acts. The S.O.E. gives authorities a free hand, license to do as they please without being held responsible to the people or the courts. Official lawlessness, the concentration of total power in the hands of the executive, and an all White judiciary are bastions of a despotic racial autocracy. Its instruments are policemen, soldiers and courts of law.

The Police

The South African Police (S.A.P.) celebrated its 75th anniversary in 1988. In a White Paper tabled in parliament to celebrate the event, the Minister of Law and Order, Mr Adrian Vlok, referred to the isolation of the S.A.P. from the general public, the hostility towards them, and the image presented by South Africa's enemies to the world of police being unapproachable, unfriendly and oppressive.[12] The authorised establishment of the S.A.P. at 30 June, 1986 was 30 067 White posts, 25 167 Black, the actual numerical strength being 26 463 and 22 458 respectively. All members of the force could sit examinations for the ranks of sergeant, warrent officer and lieutenant, and compete for promotion on equal terms. The highest rank held by Blacks was that of colonel, of whom there were only three Blacks, one Coloured, one Asian and one African. White policemen served under Black officers at some centers.

Black police officers have improved their status and salaries in the past fifty years, but not in the important area of public relations. The Police Commission of Inquiry of 1937[13] reported that "an attitude of mutual distrust, suspicion and dislike" existed between the police and Blacks. The constant raids to enforce taxes, pass and liquor laws, the invasion of private homes and the use of force had a brutalising effect on the police. Their arrogance cultivated a submissive spirit in the African, coupled with a "sullen and resentful attitude". African policemen, who took their cue from White superiors, were "inclined to assault Africans before and after arrest".

Contributory factors were the low standard of school education of White recruits and the illiteracy of Africans, who were usually unable to read or write. This was a poor foundation on which to build, and the training programme for recruits did little to cure the defects. The Police Act of 1912 authorised the use of force

in war or civil disturbances. Recruits were consequently taught drill, musketry and other military subjects at the expense of instruction in police regulations and law.

The vices noted half a century ago persist and come to the surface in times of civil strife. A case in point is the shooting of 281 Africans at Sebokeng on March 26, 1990. Eleven were killed and almost half the number wounded were shot from behind. Mr Justice Goldstone,[14] who inquired into the massacre, reported that the riot police had used force in excess of "any lawful object sought to be attained". They had opened fire with shotguns, indifferent to the effects on victims and township inhabitants. He recommended that the "special constables", Africans attached to the regular police after eight weeks training and without educational requirements, should be withdrawn from riot control. Eighteen of the 30 policemen involved in the Sebokeng shootings were special constables.

Police Auxiliaries

The findings of the Goldstone Commission reinforced the claim that police complicity was a key factor behind the carnage which had caused the death of more than 500 people during eleven days in October 1990 in Transvaal townships. As revolutionary violence mounted, the S.A.P. increased its dependence on auxiliaries drawn from the African, Coloured and Indian communities. The Police Reserve, consisting of retired members of the force, had a strength of close on 19 000, of whom 4 055 were Black, at 30 June, 1986. The Reserve Police Force, made up of civilian volunteers, had 14 300 White and 4 232 Black members.[15]

In September 1986, the S.A.P. recruited African men aged 25 to 45 for a crash course of three weeks in police duties, at the end of which they were posted with the same powers of arrest and detention as the regular police, who underwent a training course of 12 months. The special constables, known as "kitskonstabels" (instant police) were employed to assist in keeping order in African townships, much to the annoyance of the residents, who objected to being bossed around by poorly trained, sham policemen in tense situations where violence often resulted from provocative acts by security forces.

The duration of the course was extended to six weeks, concentrated at the Koeberg training center in the Western Cape. The men's wages remained at the figure of R13 a day, the same as the original starting wage. Complaints of being underpaid and badly treated were dismissed as ill-founded, the men in charge claiming that the special constables were merely temporary workers, and therefore were not entitled to welfare benefits. "Exploited, underpaid and isolated from their communities", they

stood "in the front line of conflict between the state and the Black townships. Many of them claimed that their White commanders treated them in racist and abusive ways".[16]

Despite their complaints, more than 5 000 kitskonstabels had been trained and deployed by the end of February, 1989. Derrick Fine,[17] who has written perceptively about the training, discipline, conduct and control, is of the opinion that "kitskonstabels are neither competent nor fit and proper persons to carry their powers, functions and duties."

The University of Cape Town's Institute of Criminology came to a similar conclusion. It accused the special constables of taking part in a systematic abuse of power and unlawful conduct. They have much in common with municipal police and vigilantes, and like them are unacceptable in the community. The Institute expressed the views of many critics in the following comment:

> "An accountable police force that enjoys the support of the mass of the people, can surely only be established and operate in a democratic political environment. That is why it is significant that the demand for the withdrawal of troops and para-military police forces from the townships, has been set as one of the preconditions for negotiations between the government and the African National Congress." (at p. 45)

Black Municipal Police

The A.N.C.'s revolutionary slogan of making White South Africa ungovernable posed a formidable challenge to the apartheid regime. One of the government's counter measures was to put Africans in charge of township administration, give them executive powers and authorise them to appoint municipal police.

By 1988 more than 10 000 municipal police had been recruited and attached to some 250 township councils throughout the country. The S.A.P. began by undertaking their training and the payment of their wages, leaving supervision to the councils, but gradually assumed full control because residents and senior police officers complained that Black municipal policemen committed serious crimes, ranging from murder, rape, robbery and theft to an illegal use of fire arms. The last straw was the participation by municipal policemen in strikes of local authority workers in townships along the Witwatersrand.[19]

Amendments to the Police Act in 1989 placed the African municipal police firmly under the control of the S.A.P., who had the right to appoint, train, promote, dismiss and discipline them. They do not have full powers under S.O.E. regulations, but are limited to the right of entry, search and seizure, whereas kitskonstabels have powers of arrest and detention.

The growing dependence of state security on African police auxiliaries and quasi-military units reflected a change in the balance of forces. Heavily armed, mechanised troops operating in rebellious townships managed to drive the resistance underground. Deaths due to political violence in 1988 numbered 1150, a 74% increase on the deaths recorded in 1987, but an 11% decrease on the number of such deaths in 1986.[20] A great majority of the deaths, amounting to 79% in 1988, took place in Natal.[21] Elsewhere cases of political violence decreased, and the S.A.D.F. withdrew most of its troops from townships, replacing them with special constables, municipal police and vigilantes.

Vigilantes

The word is used in South Africa to describe loosely organised bands of Africans carrying clubs, sticks and sometimes guns in townships and bantustans. "Although they receive no official recognition, they are politically directed in the sense that they act to neutralise individuals and organisations opposed to the apartheid state and its institutions."[22]

Vigilante groups emerged in latter half of 1985 as violent conflict increased within African communities. Some groups were formed to protect local councillors and their families against attacks by militants opposed to apartheid structures. Others operated in several bantustans with passive connivance or under the direct instruction of homeland authorities. Another type consisted of groups formed in Coloured and Indian areas threatened by attacks from neighbouring African settlements.[23]

The leaders are community councillors, municipal police and homeland chiefs, members of an emerging African middle class. The S.A.P. supports them materially or with a nod of approval in times of violent clashes. There is evidence that police officers have at times allowed the gangs to obtain and carry guns without permits. By October 1988, more than 90% of unrest-related deaths were caused by vigilante and counter-vigilante violence, symptoms of a low level civil war and the militarization of the country's civil society.

Across the Colour Line

When the center ceases to hold, marginal communities look to their own resources for defense of life and property. Natal Indians, mindful of the tragic attacks by Africans at Cato Manor in 1949, and sensitive to the contrast between wealth and poverty, tend to regard Africans as "anti-Indian", and themselves as masters employing African servants.[24] Such memories were revived during the outbreaks of violence in 1983-85, when Africans, excluded from the tri-cameral parliament and resentful of the privileges conceded to Indians and Coloureds, attacked and looted Indian shops and homes. Indian residents formed vigilante

groups to patrol the areas under attack and co-operated closely with the police and military. Africans were attacked indiscriminately, and some Indians were put on trial for murder.[25]

On 18 November 1985 violence broke out in African townships in Queenstown, Eastern Cape, after police had disrupted a meeting of the local civic association. Residents of Aloeville, a Coloured township in Queenstown, formed a vigilante group following attacks on houses in the township and obtained police permission to organise the first Coloured volunteer commando unit, consisting of 400 men. Vigilantes went on the offensive, attacking Africans indiscriminately and harassing U.D.F. members without police intervention.

White South Africans have until recently relied on the police and military to deal quickly with Africans accused of crimes against the person and property of Whites. This traditional confidence tends to fade in residential areas close to centers of the revolutionary upsurge. Whites buy licensed guns and attend self-defence classes in what amounts to a form of private policing. Evadne Grant[26] argues that "the private security industry, vigilantism, gangsterism and township injustice are all aspects of the phenomenon of private justice" but the distinction between public and private law enforcement is blurred when members of the S.S.F. are themselves guilty of violent attacks against political activists and their organisations. The frequent use of petrol bombs on the houses, offices and cars of radicals suggests the culprits are vigilantes, but they might also be "hit squads " consisting of state security agencies or men responsible to the S.S.F.[27]

In April 1988 shopkeepers and residents in Hillbrow, Johannesburg, threatened to form vigilante groups to expel vagrants from the area by using non-violent methods. A week later the Conservative Party (C.P.) announced that it planned to dispute the leases of Black tenants. In May farmers in the Greylingstad district, Transvaal formed a vigilante group following the murder of a local White farmer. Alleged right-wingers petrol bombed a mini bus belonging to workers from the Sarmcol Workers Co-operative. A group known as "Wit Wolwe" (White Wolves) claimed responsibility in September for the destruction of Khotso House, the headquarters of the South African Council of Churches in Johannesburg.

Barend Hendrik Strydom, a former police officer, and the self-styled leader of the Wit Wolwe, opened fire in November 1988 on Africans relaxing in their lunch hour in Strydom Square, central Pretoria. He killed three and wounded 17, four of whom died later of their injuries. He was disarmed without a struggle by an African bystander, who handed him to the police; and was sentenced to hang in May 1989 on eight counts of murder, the

eighth resulting from his shooting of an African women shortly before the massacre in Strydom Square. In a letter written to his parents earlier on the day of the shooting, he claimed to be a combatant in the "third war of freedom".[28] He had no legal justification for the murders, while his alleged political motives reflected an unreasoning fear or hatred of Black people.

Many Africans have been murdered, also without legal excuse, by African vigilantes in some bantustans, but escaped punishment because they acted under the protective shield of the men in power, most conspicuously in the so-called "independent homelands", of which there are four: Transkei, declared independent on 26 October 1976; Bophuthatswana on 6 December 1977; Venda on 13 September 1979; and the Ciskei, a Xhosa-speaking territory like the Transkei, on 5 December 1981.[29]

The biggest number of casualties attributed to bantustan vigilantes came, however, from the non-independent homeland of KwaZulu in Natal, where the main source of conflict arose from clashes between Inkatha and members of the U.D.F. Chief Mangasuthu Buthelezi, Inkatha's president and chief minister of KwaZulu, claimed that the U.D.F. was trying to push his people out of Durban and the rural districts of Pietermaritzburg. He accused it of resorting to widespread acts of violence and destruction of property, whereas U.D.F. spokesmen put the blame for the deaths and destruction on Inkatha.

Chief Buthelezi, while rejecting independence for his bantustan, wanted to have the powers vested in the head of a sovereign state. He told Adrian Vlok, the Minister of Law and Order, that his hands were tied by not being in control of the police in troubled areas. He wanted his administration to take charge of police stations and have the right to issue firearm licenses. Seven police stations were accordingly transferred to the KwaZulu administration in May and June 1987.[30]

Police Culture

The New Nation of 2 February 1990, suggested that a serious revolt was underway within some sections of the S.A.P. when called upon to cope with mass resistance to apartheid practices. "In the last two weeks alone", the journal reported, "police have been involved in at least three major clashes with demonstrators, with scores being arrested and a number of deaths reported". A delegation from the International Commission of Jurists reported at the end of a fact-finding mission that policemen were suffering culture shock resulting from the unbanning of their declared enemies, and should be retrained.[31]

The policemen's culture is a sub-species of White South African culture, which is compounded by tradition, hostility, fear and interdependence. These elements are part of his social heritage,

shaped by upbringing, family, friends and fellow policemen, who are taught that their special mission is to safeguard White civilisation against Blacks, members of an inferior race destined by divine decree to draw water and hew wood for the chosen few.

Rank and file policemen the world over use strong-arm methods to subdue real or imaginary law-breakers. Racism adds a cutting edge to standard procedures of intimidation. Policemen commonly manhandle Africans said to be cheeky and aggressive, push and cuff those who fail to "co-operate" and use violence to extract alleged "confessions" or other statements admissible in evidence. If the amount of violence overruns acceptable limits, resulting in manslaughter or serious torture, the policeman in charge can depend on fellow officers to stand by him, and on conniving magistrates who prefer the unconfirmed testimony of a policeman to the evidence of an accused man or woman.

Nicholas Haysom[33] notes that "one of the most glaring features of the S.A.P. disciplinary record, is its failure to discipline or expel those of its members who have been guilty of assault or torture." He quotes Foster and Luyt, whose comparative study shows that far from facing disciplinary action, several members of the security forces who have been identified over the years for having participated in assault or torture have been promoted.

Total War

The notion that the security forces stood outside the law appeared in a defence White Paper tabled in 1977.[34] It claimed that revolutionaries were preparing a total onslaught on the republic which called for a "total strategy".

Military chiefs soon relayed the message. General Pienaar, inspector general of the air force, declared in January 1979 that since the onslaught was aimed at all racial groups, all would have to share the burden. The S.A.D.F. would recruit more Blacks of whom 4 000 were already serving in the defence force and navy. Coloured and Indian volunteers for national service would serve for two years, but for less pay than Whites received.

A large posse of police and soldiers raided Sebokeng, Sharpeville and Bophelong in the Vaal Triangle on 23 October 1984, arresting 400 men and woman for pass offenses and other minor breeches of the law. Critics accused the government of carrying out an old-style assault on Africans under the pretext of a military exercise, known as "Operation Palmiet". Magnus Malan retorted that the police and army acted together to safeguard the republic. To legitimise his claim, the Defence Amendment Act, 1984 (amending the Defence Act of 1957) authorised soldiers to do the work of policemen in matters relating to defence against terrorism, internal disorder and the protection of essential services.

Louis Le Grange, the Law and Order Minister, visited Sebokeng and Sharpeville in October 1984 after the "Palmiet" operation and blamed the U.D.F. for the outbreak of violence in the Vaal Triangle. He accused it of mobilising students and trade unions to further aims which were the same as those of the A.N.C. and Communist Party, who were preparing a revolutionary climate. The words he used would later form the substance of indictments in the Pietermaritzburg and Delmas treason trials.

A commission headed by Jannie Geldenhuys, chief of the S.A.D.F. was appointed on the 30 March 1984 to investigate conditions in the defence force and armaments industry. The commission reported two years later that one of the S.A.D.F.'s aims was to involve all population groups in the country's defence with full recognition of human dignity. Its policy was based on the principle that all inhabitants were responsible for their defence "within the limits of existing provisions of the law". To this effect, it had increasingly relied on manpower resources other than White males, "on whom it had earlier relied exclusively".[35]

The call-up would be extended to Coloureds and Indians if their parliamentary representatives agreed. Coloureds had been fully included in the S.A.D.F. since 1963. Volunteers signed up for two years, the period served by White conscripts, and were posted to border regions for training with the Cape Corps. Selected members were then posted to Namibia, to serve with the citizen force in the "operational area". African servicemen were absorbed by the defence forces in the "independent bantustans".

More than 35 000 soldiers were deployed during 1985 in 96 townships to support the S.A.P. S.A.D.F. spokesmen explained that there were practical reasons why the police could not be used in large numbers to repress resistors in residential areas. Adrian Vlok, the Deputy Minister of Defence, warned that if the military, most of whom were national service conscripts were withdrawn, residents would murder one another on an unknown scale. In July 1989, speaking in his new role of Law and Order Minister, he put the blame on apartheid, saying it had become an albatross around the country's neck. "If you ask a Black South African what apartheid has done, he will say it has caused nothing but grief...If we do not get rid of it, it will crucify us all."[36]

Conscription

Many Whites shared his opinion and showed their opposition to the call up by leaving the country or refusing compulsory military service, which, until recently lasted for two years (reduced in 1990 to one year), followed by 720 days spread over 12 years. Laurie Nathan[37] traces the emergence of war resistance in the

mid-1970s to the "intensifying struggle of national liberation and the S.A.D.F.'s increasingly prominent role in South Africa and Southern Africa" (at p. 309).

Conscription was first introduced in 1967, and some Whites have refused to serve since then. The Defence Act of 1957 orders objectors to perform community service for one and a half times the length of the call-up. An amending act of 1987 provides that objectors will not be in a more favourable position than men doing their national service.

Twenty three men announced in August 1987 that they had taken a pledge to refuse national service and instead devote themselves to building a South Africa of peace and harmony. Members of the group, which included university students, former S.A.D.F. officers, and men waiting for call-up, declared that the root of the civil war in South Africa was apartheid, which bred violence and hatred. The army authorities replied that failure to report for military service was a crime.

Dr Ivan Toms, a member of the group was called up on the 12 November 1987 and refused to serve. The Wynberg regional court in Cape Town sentenced him to the maximum possible term of imprisonment of one year and nine months. A former lieutenant in the S.A.D.F., he had argued the case for refusing to serve in the S.A.D.F. at public meetings: it occupied Namibia illegally, waged war on neighbouring states, engaged in civil war in South Africa in defence of apartheid and occupied townships detaining, torturing and killing South Africans who were fighting for freedom.

The discontent among young Whites from liberal, middle-class homes with religious convictions found an outlet in the End Conscription Campaign. (E.C.C.)[38] Formed in 1983, it set up branches in six cities and appealed for support for its campaign to end conscription, remove troops from townships and withdraw the S.A.D.F. from Namibia and Angola. An associated body, the Committee on South African War Resistance (COSWAR), which was based in London, claimed to have helped more than 300 draft dodgers to obtain political assylum in Britain, and another 400 in Holland.

A correspondent in the African Communist,[39] writing under the pen-name "Cato", argued that the E.C.C. was one of the most effective anti-apartheid organisations among Whites, and that it was banned for this reason on 24 August 1988. The ban did not, however, deter the E.C.C. from asking the supreme court for an injunction to restrain the S.A.D.F. from dropping abusive pamphlets from a helicopter on E.C.C. gatherings. The Air Force chief, General van Loggenberg, responded by pleading that the action taken was a "necessary military measure" in a state of war in which the courts had no jurisdiction over the military. Mr

Justice S. Selikowitz found that the spreading of false information about the E.C.C. went beyond lawful opposition and granted the restraining order.

The S.A.D.F. could not solve its serious manpower scaricity by calling up women, Coloureds or Indians. Africans were a potential recruiting source, but the possibility of recruiting them involved issues of citizenship, voting rights and the bantustans. The military had managed to recruit about 20 000 Black troops. Though amounting to fewer than 5% of the total number of troops on hand, they were important in front-line combat in the operational area and a symbol of the government's stated aim of winning the hearts and minds of all races.

Black Troops in the S.A.D.F.

The National Manpower Commission said in February 1989 that the S.A.D.F. would have to make increasing use of Black groups. Military service was a heavy burden on the White population, which supplied most of the skilled manpower in all fields of activity. To reduce the shortage, "various population groups would have to be utilised to a greater extent in the future". Brigadier J Bosman, the former information officer of the S.A.D.F. told parliament in May 1989 that Blacks formed one third of the 3 000 troops in South Africa's operation in South-East Angola. More than 65% of the soldiers in the fighting zone were "people of colour".

In 1987 the army accepted applications from 2 232 Africans, 122 Coloureds and 18 Indians, but rejected all applications by Blacks to join the Air Force. Regional battalions of Africans were established in non-independent bantustans: at Amsterdam for the Swazi, Letaba Ranch for the Shangaan, Messina for the Northern Sotho and Dukuduku for the Zulu. As for the "independent" homelands, the Transkei Defence Force was reputed to have fewer than 3 000 troops; 1 000 were being trained in Venda; and Bophuthatswana's military strength was estimated at 1 500.[40]

Bantustan Upheavals

Political unrest in the homelands must cast serious doubt on their ability, if not their willingness, to reinforce South Africa's military might. Some appear to be looking to a reformed South Africa for an escape from their economic and political difficulties, others insist on their full "sovereignty".

In the Transkei, the first and most highly prized "independent" bantu homeland, wrangling between Kaizer Matanzima, the former state president, and his brother George led along tortuous paths to the uncontested coup by General Bantu Holomisa, chairman of the Transkei Military Council, on 30 December, 1987.

In the Ciskei, a power struggle between President Lennox Sebe and his brother Charles, forced Charles to flee with his retainers into exile in the Transkei. On or about March 10, 1990, Brigadier Oupa Gqozo overthrew Lennox, who reportedly went into exile on a farm outside Pretoria.

In Venda students accused senior officials of ritual killings and demanded the dismissal of the Minister of Justice, said to have been involved. In March, 1990 the administration was brought to a stand-still by strikes of magistrates, police, teachers and workers in essential services. A military take-over followed a month later.

In Gazankulu 24 people died in March during three weeks of rioting when the army backed by the S.A.D.F. attempted to crush a popular revolt in which the home and shop of Hudson Ntsamwisi, the Chief Minister, was burnt to the ground.[41]

In Bophuthatswana, the S.A.D.F. came to the rescue of President Mangope after a coup that toppled him on 10 February 1989. He survived in the face of massive resistance; and claimed that the territory would remain independent "even after 100 years". His optimism suffered a shock when work stoppages took place, civil servants threatened a general strike and members of the opposition took to the streets under an A.N.C. banner. The government declared a state of emergency on March 7, 1990, detained opposition groups, and launched a campaign against the A.N.C., COSATU and their allies. During Mangope's absence in Europe, the government declared a desire to take part in the negotiation process. Three members of the cabinet and representatives of the A.N.C. national executive met for the first time to consider possibilities of integration in South African structures.

The tumults that broke out from time to time in the small, overcrowded tribal homelands are like tips of icebergs, the great mass of which lies beneath the surface. Every homeland has a structure of its own, different from that of the others, but they have features in common. One is the imposition of "independence" by the apartheid government in Pretoria against the wishes of the majority and sowing the seeds of revolt. Another is the prevailing condition of underdevelopment, backwardness and dependence on White South Africa for economic aid and political support. The formal autonomy conferred on the tribal homelands is severely limited by the high degree of their integration in the structures of the super-state, whose security laws and repressive regime are models on which they draw.

Some ambitious chiefs, aspiring to a leading position at the negotiating table and top levels of power politics, attempt to break out of the dependency strait-jacket by using their ethnic base as a springboard for a clamorous nationalist movement.

Jonas Savimbi of Unita in Angola and Gatsha Buthelezi of Inkatha in Natal are outstanding examples of tribal leaders who fight their way to the top through violence and destruction. Mzala,[42] the author of a critical but fair-minded account of Chief Buthelezi's conflicting roles - as head of a bantustan and alleged freedom fighter - suggests that "Perhaps the most controversial aspect of Chief Buthelezi's is his claim to be a man of peace and that the Inkatha movement is a non-violent organisation. The latter position is increasingly untenable. The large-scale involvement of many members of Inkatha, even including manny office-bearers, in acts of violence in Natal is an undeniable fact." (at p. 232)

Mzala goes on to pose the question: "Can a man of peace remain associated with a movement involved in violent atrocities?" The correct answer is "Yes!", provided that he takes up arms in a "just cause". Taking part in a revolutionary struggle against an evil system like apartheid is compatible with a rejection of violence on ethical grounds. This is the position of the A.N.C.'s MK guerillas, or conscientious objectors, or clergymen who minister to soldiers on active service. The flaw in Buthelezi's political philosophy arises from his insistence on an aggressive Zulu nationalism in his drive for political power and disregard of the liberation movement's call for one South Africa, one people, one nation!

One Citizenship

In his opening address to parliament on 31 January 1986, the State President P W Botha said that South Africa had outgrown colonial paternalism and discarded apartheid. The society was multi-cultural and needed a sharing of power with protection of minority rights against domination of any one group. He intended to conduct negotiations for the creation of a national council for Africans, which he would chair, enabling them to take part in government at an executive level.

His proposals for constitutional development included an undivided South Africa (without the "independent homelands"); one citizenship for all South Africans; equality before the law, protection of civil rights of all citizens, regardless of their colour, race or religion; a democratic system of government which would enable all communities to fulfill their legitimate political aspirations; and the recognition of a right vested in every South African to take part in government through elected representatives.

This reform policy repeated promises contained in the "Rubicon" speech to the N.P. congress in Durban on 15 August, 1985, in which, contrary to expectations, he failed to announce major reforms. On both occasions he made the fatal mistake of denying Africans full participation in the parliamentary system.

Government spokesmen admitted that the continued revolutionary upsurge was rooted in the poverty and depressed socio-economic conditions of the bulk of Africans. The reform programme, according to senior members of the cabinet, would tackle the problems involved in raising the living standards of Africans in urban communities to an acceptable level. Priority had to be given, however, to the task of restoring public order in townships. It was for this reason that P W Botha as State President declared a state of emergency in the whole country under his jurisdiction on 12 June 1986.

Repression and Reform

Reform and repression are necessary ingredients of the "total strategy" put forward for public consumption in a defence White Paper in 1977. Swilling and Phillips summarised the concept in the following passage:

> "Total strategy was defined as involving the co-ordination with all the means available to the state of the military, economic, psychological, political, sociological, diplomatic, cultural and ideological fields of state activity. It was further argued that South Africa was the target of a "total onslaught", and therefore required a "total strategy" capable of combining effective security measures with reformist policies aimed at removing the grievances that revolutionaries could exploit."[44]

> "Government spokesmen during the year stated that S.A. could be viewed as being in an undeclared state of war. General M. Malan, Chief of the Defence Force, was quoted as saying that the requirements of a total strategy and a democratic system of government conflicted. He called on South Africans to be prepared to pay the price of their survival. "If we do not understand that we are in a struggle for survival, we will not be able to make the sacrifices which are necessary."[45]

The public's response to Botha's dualism reflected the width of the gulf between the revolutionaries and the White supremacists. The A.N.C. declared that 1986 was the year of its armed wing. Umkhonto we Sizwe, called for a people's war and undertook to step up military assaults on apartheid structures in answer to Pretoria's counter-revolutionary offensive.

Far-right racists denounced "power sharing" with Blacks and called for a return to Verwordian apartheid. Dr Treurnicht, head of the C.P., threatened to organise a White resistance movement if the State President brought Africans into parliament.

The pro-government Afrikaans press* [46] claimed that the emergency regulations were highly successful in reducing the death toll, the incidence of violent assaults and "necklacing" in African townships, where conditions were returning to normal. Listing the reforms carried out or promised, the authors of the survey singled out the removal of the ban on inter-racial sex and marriage, influx controls, discrimination against African trade unions, job reservation, restrictions on the movement of Indians, and the Prohibition of Political Interference Act of 1968. The argument of left-wing radicals that the Botha reforms were "cosmetic" had a hollow ring and was often simply malicious or hateful, the more so when one considers the support that President Botha forfeited to the Afrikaner right wing. (at p. 63)

The Reforms at Work

Some changes were a natural consequence of the 1984 constitution, under which Coloured and Indian voters were represented in separate houses like Whites in parliament.

One such change was the repeal in 1985 of the Prohibition of Mixed Marriages Act and of S.16 of the Immorality Act of 1957, thus legalising marriage and sex between Whites and Blacks. The U.D.F., Azanian People's Organisation, and some other interested bodies belittled the change, saying it was cosmetic or window dressing; but its significance was far greater. Not only were close on 500 men and women convicted annualy of inter-racial sex crimes, but about 1 000 underwent the degrading experience of applying to a board of White men for a reclassification of their racial category, of which there were at least seven. The classification took place in terms of the Population Registration Act of 1950 - one of the first statutes enacted by the apartheid government which took office in 1948. The Human Sciences Research Council reported in October 1985 that population registration was effectively a race classification device, which had given rise to a number of racial laws with negative effects on group relations, and identified Whites in such a way as to make them supreme at the constitutional level.[47]

Freedom of choice in marriage is inconsistent with rigid class, caste or religious distinctions. When status is closely linked, as in South Africa, to racial type, any degree of assimilation that blurs the obvious physical differences is seen as a threat to the social order. The dominant White group applies a strong pressure to maintain race "purity".

* One of the authors, Alf Ries, is assistant editor and political reporter of Die Burger. The other, Ebbe Dommisse, is Die Burger's editor.

The Nationalist-Labour "Pact" government of 1924 introduced an Immoralty Act in 1927 that banned illicit sex between Whites and Africans, thereby imposing the first statutory restriction on the freedom of White men to have sex with African women. A ban on marriages between Whites and "non-Europeans" followed in 1949. In 1950 parliament prohibited sex outside of marriage between a "European" and a "non-European", the latter being defined as "a person who in appearance obviously is, or who by general acceptance and repute is non-European". The equivocal wording makes no mention of ancestry, the skeleton in the cupboard of Whites who share a common stock with Blacks.

The Immorality Act of 1937 reverted to the terminology of the Boer Republics which outlawed "illicit" sex between "White" and "Coloured" (or kleurling in the Afrikaans version, which applied to all Blacks). Plunging more deeply into legal obscurantism, the legislature defined a "Coloured" as any person other than a "White person", and White as "any person who in appearance is obviously, or by general acceptance and report is a White person".[48]

Let it be noted that the Dutch Reform Church (N.G.K.), formerly a staunch opponent of "mixed" marriages and sex between White and Black, relented when President Botha became leader of the reform movement. The 1986 synod of the N.G.K. declared that racism is a grievous sin and "scripture does not prohibit racially mixed marriages".[49]

Another consequential change was the repeal in 1985 of the Prohibition of Political Interference Act of 1968, which prohibition non-racial political parties. The Progressive Party "under protest and under compulsion" had decided to confine its membership to Whites. With this barrier to open membership removed, political parties were able to admit members of all races. Radicals welcomed the reform as an important advance to integration, but the Progressive Federal Party, generally regarded as the main beneficiary of the reform, suffered severe setbacks which resulted in its dissolution in 1989, its members being absorbed in the newly formed Democratic Party.

Urban Growth, Pass Laws and Influx Control

Of greater structural significance was the government's decision to recognise that the urbanisation of Africans was inevitable, and their residence in "white" South Africa (exclusive of the bantu homelands) permanent. Like other citizens, Africans had a right to freedom of movement to and within towns and cities. The President, P W Botha, had the courage to grasp the nettle of rabid White intolerance by reversing the century old policy of shutting the door on African workseekers. As I noted in 1968:[50]

"The townward flow is the outcome of more than 100 years of colonial wars, expropriation of tribal territory, taxation, labour recruiting and other influences that compelled peasants to leave their rural homes for employment on farms, mines and industrial enterprises. Yet governments and the dominant section of Whites have never reconciled themselves to the permanent settlement of African families in the towns. Farmers and mine owners, competing for labour, ratepayers reluctant to subsidize housing, labour leaders, apprehensive of competition, White supremacists, afraid of a large Black proletariat - all agreed that the towns are "White man's counry", in which Africans intrude as aliens to serve the White man's interests." (In the words of M.C. Botha, Deputy Minister of Bantu Education and Development, speaking on 24 February 1964: "It is policy to exclude those who are illegally resident, redundant, work-shy, idle or undesirable.")

As from 23 April 1986, African citizens had freedom of movement in White South Africa. Instead of closing the door on them, the government would have to use the state's resources to "promote orderly urbanisation" contemplated in the "White Paper on Urbanisation" published in April 1986. Two acts of parliament prepared the way for momentous change: the Identification Act and the Abolition of Influx Control Act, both enacted in 1986.

Described as the first legislative step towards the scrapping of influx controls, Blacks (Abolition of Passes and Co-ordination of Documents) Act of 1952, a pernicious piece of legislation with a grossly misleading title. It required all Africans aged 16 and over to carry passes co-ordinated in a reference book, applicants for which were finger-printed.

The 1986 Act stipulates that the records in the reference bureau would become part of the population register containing the records of all South Africans, who have to identify themselves on demand by producing their identity book or other document issued by the state.

Identity books issued to Africans under the new arrangement are outwardly the same as those held by other South Africans. Though not mentioned in the legislation, race classification appears in the register which draws on information contained in birth certificates.

Race classification continues under the Population Act. In 1987, 918 people applied to be reclassified from one race group to another, the total number of recognised groups being seven: African, Coloured, Chinese, Griqua, Indian, Malay and White. Some members of the House of Representatives complain of the absurdity and harmful effects of the system. Peter Hendrickse, a

Labour Party M.P., introduced a motion in February 1989 that proposed the repeal of section 5 of the Act, which requires racial classification. He blamed its persistence on the National Party's "almost pathological obsession regarding race and the purity of race"; and complained of the hurt, degradation and suffering it caused. Mr Ishmael Essop, a fellow M.P., cited his family's experience to illustrate the absurdity of race classification according to appearance and life style. He was placed in the Malay group, two of his brothers in the Coloured group, one in the White, two sisters were classified Coloured and a third Indian.[51]

Influx Controls Scrapped

The abolition of the Influx Control Act of 1986 was passed in June (but effectively backdated to 23 April). It repealed, wholly or in part, 34 laws, and amended three others.[52] Among those repealed was the Blacks (Urban Areas) Consolidation Act of 1945, the centerpiece of influx control. Section 10, the most vicious clause in the act, had made it an offence for Africans to remain in prescribed Areas, i.e. where control was in force, for longer than 72 hours. The prohibition, said J A van den Heever[53] in 1954 is:

> "directed prima facie against all natives ... against millions of persons on the grounds of race and exempts only a relatively small number, who can be usefully or satisfactorily be absorbed in the economic life of the urban community."

Because of P W Botha's reform policy, Africans with an approved I.D. could enter a town or city in "White" dominated South Africa and move about freely. Thousands took advantage of the new freedom of movement and streamed into urban areas looking for jobs and shelter. Work seekers without means of support ran the risk of being treated as vagrants and squatters under amendments to the Slums Act of 1979 and the Prevention of Illegal Squatting Act of 1951.

The National Committee against Removals (N.C.A.R.)[54] welcomed the scrapping of influx control but pointed out that the major shift in policy was away from racial discrimination towards economic differentiation, which favoured people who could afford to live in urban areas. "With the combined effect of changes to the Prevention of Illegal Squatting Act of 1951, the Slums Act of 1979, health regulations, the Group Areas Act of 1966, the policing by local authorities, and the limited land set aside for urbanisation, control over the movement of people to urban areas could almost be as tight as under the pass laws."

Housing Costs and Scarcities[55]

Freedom of movement carried with it no guarantee of jobs or housing, but African work-seekers streamed into towns and cities, trusting to luck, kinsmen and their ability to overcome obstacles to a settled family life. According to the Human Sciences Research Council (H.S.R.C.) estimates released in February 1989 the urban African population would rise from 7.6m (in 1980) to 15.5m (in 1990) and 26.2m in the year 2 000. About 60% of the increase in recent years resulted from natural growth rather than migration.

Specialists in the Council for Scientific and Industrial Research (C.S.I.R.) reported that at the end of 1985 6.3m Africans were crammed into about 486 000 small dwellings, an average of 13 per house, in "white" South Africa. The worst case of overcrowding discovered was in Uitenhage in the Eastern Cape, where 42 Africans lived in a two-roomed house. The shortage of houses for Africans at the existing rate of building would increase from 2.1m to 3.4m in 2000.

Cost was a major obstacle in the policy of doing away with the housing scarcity. The country's economy would have to grow at the rate of 17% a year to eliminate the backlog by the year 2000. the existing rate was only 3% p.a. Banks, building societies and state institutions were unwilling to make money available to lower income people for morgage loans. Only 25% of African families could make a significant contribution to housing costs. Consequently, housing development for Africans was determined by the demands of a growing middle class. Building plans submitted for approval were for the more expensive class of homes, and hardly at all for members of the sub-economic group which included three-quarters of the population.

Squatting, Slums, Group Areas

The government's policy on "informal settlement", the new name given to squatting, had two aims. One was to provide sub-standard housing for squatters - people living on shacks on land unlawfully occupied. Mr Henry Klotz,[56] the Mayor of Durban, speaking in August 1988, gave an excellent description of the shelters in which nearly half the number of people in greater Durban were living. They varied from backyard rooms and garages, through houses of mud or plywood, to car wrecks and plastic bags.

The other aim was to tighten control over squatting and "disorderly" urbanisation which, the government said, had spread since the repeal of the pass laws. For this purpose, the Prevention of Illegal Squatting Amendment Act, which amended the Prevention of Illegal Squatting Act of 1951, was introduced in parliament in 1988. The House of Assembly passed it in September, but the House of Representatives and the House of

Delegates strongly rejected the bill, which extended the prohibition of "illegal squatting" to include the occupation of unauthorised buildings and land without the owner's consent. There were other objectionable clauses, one being a provision that persons accused of squatting would be presumed guilty until they had proven their innocence. The amending legislation was submitted to the President's Council. It gave its approval in November 1988, and P W Botha signed the bill on 8 February, 1989.[57]

Much the same thing happened to three bills tabled in parliament in June 1988 to amend the Group Areas Act of 1966. Chris Heunis, the Minister of Constitutional Development and Planning, claimed that the aim was to strengthen the hands of officials by increasing penalties for buying, selling or occupying property in violation of the 1966 act. The court's were instructed to order the eviction of an "illegal occupant" after conviction. The P.F.P. estimated that 200 000 black people were living illegally in white areas who would be affected by the legislation. Mr Mohamed Dangor, a spokesman for the Action Committee to Stop Evictions (ACTSTOP) said, "The new amendment has a clear political message, 'Apartheid is alive and well.'"[58] The Labour Party refused to discuss the bills in the House of Representatives and adjourned the House.

Mr F W de Klerk, the Minister of National Education and the chairman of the Ministers' Council in the Assembly threatened to move a suspension of parliamentary rules, but subsequently backed down. A revised version of the bill was put forward, but the house of Delegates and Representatives stuck their heels in and refused to approve. The State President P W Botha refered the bill to the Presidents' Council (P.C.), which returned it for redrafting. In his address to parliament in February 1989, the Acting State President, Mr Chris Heunis,[59] said that the government had decided to abandon the bill and investigate other methods of safeguarding the "own community life" of each race group.

In the meantime, while ministers and the P.C. were debating their next strategy, officials used group areas regulations to harass "mixed marriage" couples, even though the ban on inter-racial sex and marriage had been removed by parliament in June 1985. Parties to a "mixed marriage" could not live legally in any group area without a permit or reclassification. The extraordinary case of Mr Palkowich,[60] a White man married to an Indian, and living with his wife in his house in Kempton Park, zoned as a White area, caught the public's eye. The husband was reclassified Asian on his marriage and then charged with accommodating his wife in a White area and alternatively living unlawfully as an "Asian" in his house. The couple applied for a permit, which was refused. In October 1988, the couple appeared in the Kempton Park Magistrate's Court on charges of contravening

the Group Areas Act. Professor John Dugard, the director of the Centre for Applied Legal Studies at the University of the Witwatersrand, spoke in their defence. He challenged the validity of the proclamation making Kempton Park a White group area, because it denied the Christian values and norms affirmed by the South African Constitution Act of 1983. The magistrate, Mrs Greyvenstein, referred the case to the Supreme Court, whereupon the Transvaal Provincial Administrator intervened by granting the desired permit enabling the Palkowich family to live in Kempton Park.

The Reform of Labour Relations

A resurgent African working class, supported by a number of international agencies, demanded the repeal of industrial colour bars, the discrimination imposed against Africans by the Industrial Conciliation Act of 1956.[61]

The appointment of the Wiehahn Commission of Inquiry into labour laws in 1977 was the first taken by the government towards a new pattern of labour relations. Professor N E Wiehahn, head of the Institute of Labour Relations at the University of South Africa, set out to "deracialise" the labour laws and encourage vertical labour mobility. African unions, he pointed out, were a component part of industrial life and could no longer be brushed aside. Their members were a majority of the urban work force, but had no say in the industrial councils that allocated surplus value among the various claimants. Such a "paternalistic" system of decision making, he argued, infringed international standards.

The Industrial Conciliation Amendment Act, 94 of 1979, which arose out of the commission's report, together with the Labour Relations Act, 57 of 1924, which excluded Africans from the system of collective bargaining applicable to Whites, Coloureds and Indians. Act 57 of 1981 - labelled the Labour Relations Act of 1987, as though to wipe out the memory of the shameful Industrial Conciliation Act of 1956 - made a clean sweep of discriminatory clauses, usually by simply deleting the racial terms. A new definition of "employee" included all African workers, other than farm workers, domestic servants and public servants, as "any person who is employed by or working for any employer, receiving or entitled to receive remuneration."

The Industrial Conciliation Act of 1956, so crudely absorbed by the 1981 Act, was a wholly destructive measure. It segregated the unions according to race and gave Whites sheltered employment with a monopoly of preferred jobs that lasted for more than 20 years. Ray and Jack Simons wrote a booklet[62] at the time when the Act was being hotly debated and pointed out that race discrimination had been undermined by changes in material conditions. White workers, who shared the advantages of the

dominant race, had an interest in maintaining its privileges, "Loyalty to the White race rates higher and is made more rewarding than class loyalties".

Ray and I rejected White "baasskap" in the unions with a "mixed" membership, and urged Coloureds and Indians to form seperate unions under their own leadership. The Trade Union Council of S.A. (Tucsa) objected to our stand, as did radical members of the liberation movement who wanted mixed unions to deregister. For these reasons we published the pamphlet at our own expense.

We met with another round of objections in 1979-81 from leading militants who argued that the labour law reforms were "cosmetic", whereas we thought that they brought about a qualitative change for the better.[63] We set out a more detailed study of the Wiehahn Commission and the legislation resulting from its recommendations in a paper published in 1987 by the International Labour Office, Geneva under the title "One Hundred Years of Job Reservation on the South African Mines."

The Congress of South African Trade Unions (COSATU)

Cosatu was conceived at a unity summit held in Langa, Cape Town, in August 1981. Negotiations between progressive unions for the formation of a single centre continued for four years until agreement was reached between trade unions and general unions attached to the U.D.F.

Ray Alexander Simons, writing under the pen name "R S Nyameki",[64] recorded the events leading to the formation of COSATU, and noted that:

> "A big contribution to the formation of COSATU was made by the successful stay-away in the Transvaal of 5-7 November 1984 when trade unions, community organisations, boycotting students and scholars joined forces and paralysed South Africa's industrial heartland for two days with the most effective work stay-away in the country's history."
>
> "'This stay-away demonstrated the need for the working class to come together and fight as a people, because you could not say that the struggle in the factory was different from the struggle in the community' explained Chris Dlamini, President of FOSATU (now merged in COSATU)."

COSATU was formed in Durban on 30 December 1985 during the state of emergency declared on July 21, 1985. Elijah Barayi, Vice-President of the National Union of Mineworkers (N.U.M.), was elected the President of COSATU. Cyril Ramaphosa, the General Secretary of N.U.M., opened the Durban conference with the

ringing words "A giant is born". He told the 900 delegates present, representing 600 000 members from 36 unions, that P W Botha's government had failed and should resign. "We workers should seize power and build a new society." He called on P W Botha to lift the state of emergency, and withdraw all troops from the townships immediately, unban political organisations and individuals, dismantle the bantustans, scrap the pass laws within six months, or face mass defiance.

Corruption in High Places

Ries and Dommisse[66] suggest that the N.P., after being in power for 40 years, understandably shows signs of a hardening of the moral arteries. They quoted Baren Du Plessis, the Minister of Finance, as saying in his budget speech on 15 March 1988 that bribery, corruption, illegal dealing in financial rands, price manipulation and consumer exploitation, were being practised by crooks and frauds for the enrichment of the few at the expense of the many.

As though to bear him out, cases of alleged corruption hit the headlines from June 1988 onwards. The main areas of theft, embezzlement or fraud - euphemistically called "irregularities" - were the Department of Development and Training (DET), the Transkei "independent" bantustan, Peet de Pontes, Nationalist M.P. for East London, and the operations of the "hit squads" organised by military chief officers.

The DET irregularities involved Braam Fourie, the Director General and his deputy, Mr Meiring, who paid R4.8m for computers purchased from a firm in which Mr Fourie's son had an interest. Mr Jaap Strydom, another Deputy Director of the DET, was said to have acquired books, magazines and posters for the department from a company in which his son Thinus had an interest.

A commission headed by Mr Justice Louis Harms was appointed in August 1988 to investigate irregularities in the "independent" bantustans of Transkei and Ciskei. This followed the coup in December 1987 and the installation of a military council led by Maj Gen Bantu Holomisa who declared martial law and suspended the Transkei's constitution. Two commissions which tabled their reports after the downfall of the Matanzima brothers and the collapse of Miss Sigcau's government investigated the misuse of public funds believed to total some R120m.

One of these commissions, headed by Mr G A Alexander, was told in evidence that two former mayors of Cape Town, Abe Bloomberg and his son David, were key figures behind ESL, a company formed to promote gambling ventures in the Transkei and transmit monies abroad. His report, presented on 4 July, 1988, referred to a

"grotesque pattern of corruption in high places", and recommended that all recipients of money acquired corruptly be forced to "disgorge their ill-gotten gains".

The Harms Commission began its hearings in Cape Town in September 1988. On 17 January 1989 Mr Sol Kerzner, Managing Director of Sun International, whose headquarters were in Bophuthatswana, admitted in an affidavit that he had paid R2m for the personal benefit of Chief George Matanzima to ensure exclusive casino rights in the Transkei, rights already held by Sun International subsidiaries. "Under undue pressure form the Prime Minister George Matanzima, R2m of the funds available were...paid into the account of Mr G J Gouws for the ultimate benefit of Chief George." Mr David Blomberg submitted an identical affidavit. Mr Kerzner subsequently resigned from the boards of Sun International and its associated companies.

Mr Douw Steyn, Pretoria's Ambassador in the Ciskei, told the commission in November 1988 that corruption and financial mismanagement in the Ciskei enabled millions of rands to be siphoned off by foreigners. Ciskeian officials were open to bribery. He had been dismissed in March 1988 on the grounds of the Ciskei's financial position, and testified to the commission in the matter of Mr Peet de Pontes, the Nationalist M.P. for East London, who abused his political position to secure permanent residence in the Ciskei for his former business partner, Mr Vito Roberto Palazzola, an Italian convicted of drug smuggling who was serving a prison sentence in Switzerland. They were partners in a company called Papillon International which siphoned off funds into ventures proposed by de Pontes, including a bank in the Ciskei agreed to by Chief Sebe.

CCB, Hit Squads and Assasinations

The Harms Commission of Inquiry into Certain Alleged Murders suffered from severe constraints. Nigel Claxton, whose TV film entitled "Apartheid Assassins" won the gold medal for the best documentary special in New York's Film and Television Festival in 1990, called the Commission's inquiry an "exercise in damage control" and "an expensive whitewash". Despite those failings, the Special Report issued by the Human Rights Commission in association with the David Webster Trust in September 1990 found that the evidence placed before the Commission painted a picture of "a chilling and deadly group of men, acting as if with complete impunity from the law".

The Civil Co-operation Bureau (CCB) which arose out of a dispute between B J Vorster, the former State President and his successor P W Botha, became a many-sided organisation, committed among other things to the elimination of the government's opponents within and outside of the R.S.A.

General Eddie Webb, chairman of the CCB since the begining of 1989, and up to the time of its formal dissolution on 1 August 1990, told the Harms Commission that the CCB's main target was Whites who supported tha A.N.C. By placing A.N.C. members and supporters under the S.A.D.F.'s jurisdiction the military could order their elimination.

The military gradually played an increasingly aggressive role against the A.N.C., P.A.C., S.A.C.P. and White activists, making them targets for harassment and then assassination outside the law. The CCB provided a civil law facade for these illegal activities, but the S.A.D.F. remained in control, and was kept informed of them before and after the operations. "The argument was that the S.A.D.F. and therefore the state committed the acts and that in the execution of organised projets we would not be prosecuted considering that the country was locked into an internal war situation." (at p. 6)

The Human Rights Commission put the blame for this on the shocking web of deceipt and lawlessness of top-ranking S.A.D.F. officers, cabinet ministers and public servants. The list included Magnus Malan, Adrian Vlok, General Jannie Geldenhuys, Chief of the Defence Force, General "Kat" Liebenberg, Chief of the Army, General "Witkop" Badenhorst, Chief of Staff Operations, General Joep Joubert, formerly in command of the special forces, and men in charge of the CCB at one time or another: Staal Burger, Christo Brits and Joe Verster.

The final responsibility lay with President Botha, head of the state and the armed forces. He treated the military as a government within a government, able to run covert operations while Botha dealt with the objectionable aspects of its activities without interference from other departments. Awkward questions could always be answered with the blanket assertion that operations were "very sensitive" (at p.24)

There was no parlimentary control over the CCB or its expenditure. It spent millions of rands to set itself up and finance its operations but never reported its accounts to parliament. Only the Auditor-General had access to them, and he had no choice but to accept whatever explanation was dished up by the military.

They have been in effective control of the country for a long time, acting through the State Security Council, the key figures of which included P W Botha, Magnus Malan, Louis le Grange, Kobie Kotzee and R F "Pik" Botha. When the Security Intelligence and State Security Act was enacted in 1972, the SSC rose from its role of unofficial advisor to become an important arm of the state. It assumed supreme control in the later 1970s, during the "Muldergate" scandal, which played into P W Botha's hands.

Nigel Claxton said he was not surprised General Neethling lost his libel suit against the Vrye Weekblad. Claxton called for a "fully independent inquiry to expose the truth behind the death squads". The government has in fact appointed a commission. Whether it will be fully independent remains to be seen.

Meanwhile, the men of the CCB are still in control of the defence and police forces. As public servants, they are bound by tradition and the constitution to take their orders from the government of the day. Will they remain loyal to it, or switch their allegiance to the racists who threaten civil war in defence of White supremacy?

The answer lies with the liberation forces, the resistance movement, the patriots who gave their lives and freedom to defend the common society and achieve a single, united South Africa, with votes for all South Africans in a single, multi-party and democratic parliament.

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