

# Cape Times

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## *A new constitution*

IN a letter on this page today, the Black Sash draws attention to the level of black anger at apartheid and their constitutional deprivation. It was this anger which led to the protests at Sharpeville 26 years ago this week, and at Uitenhage a year ago on the same date. March 21 is the sad anniversary of both occasions with their tragic loss of life and the damage they have done to the cause of racial reconciliation in this country. The advent of apartheid has indeed left a legacy of resentment, anger and hatred for which South Africa is paying dearly. It is a legacy which will outlast apartheid itself.

Since its formation in opposition to the removal of the coloured parliamentary vote 30 years ago, the Black Sash has fought against the injustices done to people of colour by apartheid laws and racist constitutional changes. It has sought to right such wrongs as it can, and to ameliorate the position of apartheid's victims,

while always pointing to the central truth that it is South Africa's laws and its constitution which must be changed. The same argument was advanced forcefully this week by Dr Stuart Saunders in his presidential address to the Institution of Race Relations. South Africa, he said, urgently needed the repeal of apartheid laws as a forerunner to a just and democratic constitution not based on racial discrimination.

Unless the reform process culminates in new, fair laws and a new, fair constitution, it is doomed. And, if it becomes apparent that the reform process will not end legal and constitutional racism, the disillusionment and the inevitable backlash will produce more Sharpevilles and more Uitenhages. Violence and loss of life will escalate in a vicious spiral, with such a heritage of resentment, anger and hatred that this country might not recover. A new and just constitution is not only urgent, it is our only possible salvation.



# ANC 'no' to CAPE TIMES - 22/3/82 UK conference

OWN Correspondent

LONDON. — In a surprise move yesterday the African National Congress (ANC) announced that it will not attend the top-level conference on South Africa to be held here from tomorrow.

This is a further setback to the conference which was seen as a trial national convention of leading black and white South Africans.

Earlier this week the South African Embassy said it would not attend.

## 'Main agents'

The news that the ANC will not be there disappoints those who had hoped that the two main agents in the South African "crisis" would face each other for the first time across the conference table.

ANC spokesman Mr Tom Sebina said in Lusaka yesterday the organization did not see how this conference would serve any purpose.

In a veiled snub to the British Government, Mr Sebina said South Africans did not need a mediator to intercede on their behalf.

South Africans were quite capable of organizing their own conference, he said.

He also said the ANC was not interested in sharing a platform with any member of Inkatha, Chief Mangosuthu Buthelezi's movement.

Earlier the South African Government had said none of its representatives would be willing to share a platform with the ANC until it renounced violence.

The ANC has said that until there are certain definite changes in South Africa, they will not participate in any forum with South Africa.

Asked if a representative of the embassy would attend the Wilton Park conference, now that the ANC had opted out, a spokesman said that this did not apply as they had not been invited.

Contrary to speculation, Dr Piet Koornhof, chairman of the President's Council, had never intended to be present and had not been invited.

However, it is felt that a National Party MP, Dr Stoffel van der Merwe, may reconsider his decision not to attend.

The new national newspaper Today carried a splash report on its front page yesterday under the headline "Bloodbath must stop — Britain calls secret meeting with South African leaders".

## 'Bridge gap'

It claimed that Britain was acting as "honest broker" in an attempt to bridge the gap between the South African Government and the country's militant blacks.

Last night the organizer of the conference, Mr Geoffrey Denton, expressed his regret that the South African Government and the ANC would not be participating.

He said it was regrettable if any of the participants in the crisis facing South Africa felt unable to be present.



# Why the government will not release Mandela soon

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ONCE again speculative reports are beginning to circulate that the release of the jailed ANC-leader Nelson Mandela may be imminent. This time it is in connection with the mission of the Eminent Persons Group, the high-powered delegation of Commonwealth leaders.

The EPG delegation, which includes the former Nigerian head of state, General Obasanjo, and the former Australian prime minister, Mr Malcolm Fraser, made a point of keeping a low media profile during their South African tour.

Yet it is known that they had talks with the ANC leadership in Lusaka as well as with President Botha and senior ministers of his cabinet, and now it has transpired that they have also met Mr Mandela in Pollsmoor prison.

## Major news

Since the main objective of the Commonwealth mission is to explore alternatives to the further escalation of the armed struggle by facilitating a climate for political negotiation between the ANC and the South African government some reporters and commentators have jumped to the conclusion that the long overdue release of Mr Mandela must now be on the cards.

The "Mandela fever" among local and foreign pressmen has not yet reached the same delirious heights as on the previous occasion earlier this year. Then Mr Mandela's prolonged stay in hospital, following a minor operation, became a major news item.

Media representatives mounted all-night vigils and there was talk of the "press scoop of the century" when someone resembling the ANC-leader was photographed on an unscheduled visit to a medical centre in the city. It needs only another rumour and a "leak" or two, and we may well see a repeat performance.

## Albatross

The fact of the matter is that it is now widely believed, especially in press and diplomatic circles but also by many others, that the release of Mr Mandela is a genuine prospect. Yet it takes only a little reflection on the most likely sequels to such a move to realize that the South African government is most unlikely to actually go through with it in anything like the present political circumstances.

There are, of course, very good reasons why it would be in the government's interests to release Mr Mandela.

## POLITICAL PERSPECTIVE

By ANDRÉ DU TOIT

Quite apart from any "humanitarian" considerations the continued jailing of Mr Mandela has evidently become a major political albatross to the government.

The pressures have been building up for quite some time. During the early 1980s the Release Mandela cam-

paign was used quite effectively as a mechanism for re-introducing the banned ANC into the internal political debate in South Africa. It also made him into a major political symbol for the black cause generally. And since September 1984, with civil strife and protest spreading to black townships throughout the country, the name of Mandela has become a rallying cry to an entire generation of young political militants, many of whom had not yet been born when he disappeared into prison in 1963.

Mr Mandela may continue to languish in prison, but the Mandela myth is going from strength to strength.

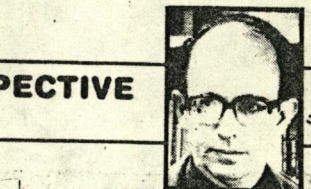
Indeed, in the present political climate it can hardly do otherwise. As a political figure he is in the unassailable position that he cannot put a foot wrong.

As an active participant in the confusing flux of the current political scene Mr Mandela would have had to take a stand on such difficult and complex issues as the possible resumption of the school boycotts, the political role of the black trade unions, and many more.

No matter what qualities of leadership or political skills he might still prove to have, such decisions are bound to be controversial and unpopular in one quarter or another.

But in prison he cannot, and may not, take any stands — and his reputation keeps growing. The government may well wish for a repeat performance of the release of Herman Toivo Ja Toivo. The Swapo leader, a major political headache to the government while he remained on Robben Island, has pretty well disappeared from view, presumably caught up in the infighting of Namibian politics.

What must make the growth of the Mandela myth even more alarming to the government is the matter of Mr Mandela's age. Though we are continually assured that he is still in robust health, he has just



Mr Herman Toivo ja Toivo ... disappeared after release

turned 70. The mere thought that he might die in prison should certainly give anyone in government pause: the ANC could only benefit from being presented with a political martyr of major historical stature.

Moreover the release of Mr Mandela would also have a more general political significance.

There are influential members of the National Party and of the government who have serious misgivings about an exclusive and excessive reliance on coercive force in coping with the unrest in the black townships. They are urging the

need for political initiatives as an alternative to just keeping the troops in the townships — but in the present circumstances there are precisely few options available which are both dramatic enough and realistic as well.

No wonder that a Mandela "lobby" has been urging for some time that here at least is a possible card that the government could play to signal its interest in the politics of negotiation. It would also be just the kind of signal which really would count with the governments in Washington and London and with the international business community.

It was thus no idle gesture when President Botha himself last year offered to release Mr Mandela, provided he first renounced political violence. The government quite deliberately put Mr Mandela's release on the political agenda. And it serves the government's purpose to keep it there. In that case, why can't it then also go through with the offer?

The real problem does not lie in this or that set of pre-

conditions. The issues are in effect drawn quite clearly.

The government cannot hope to offer Mr Mandela anything less than a full release. The Sobukwe-option, that is, releasing him from prison and then banning him to Kimberley or Brandfort or some other remote area, is not on at all. Not only would it be quite self-defeating, but as Mrs Winnie Mandela has already effectively demonstrated, it no longer is a realistic proposition in the present political climate.

Mr Mandela years ago, and repeatedly, declined the offer to be released to the Transkei. No doubt his position would be the same with regard to any other foreign country. Putting him on the plane to Lusaka or Paris will merely restore his freedom of action, but is unlikely to remove him for long from the internal political scene.

And that is the heart of the matter. Releasing Mr Mandela

means that the government must be prepared to allow him to take an active and leading role in local black politics.

The real obstacle to his release is not whether Mr Mandela can or will give the government assurances that he will not advocate political violence. It is quite simply whether the government can even begin to cope with the prospect of the Mandela myth making an actual appearance at the Jabulani Stadium in Soweto — and then proceeding on a tour to Alexandra, Sebokeng, Mamelodi, New Brighton, Guguletu ...

Even if Mr Mandela himself would only mouth the mildest and most moderate of political clichés, his mere appearance will surely attract hundreds of thousands of people to these rallies — and arouse the ire of right-wing vigilante groups.

## Unrest victims

The dilemma is clear. On the one hand everything in the current policy and record of Mr Le Grange and General Coetzee's security forces indicate that they will on no account be prepared to allow such a Mandela campaign.

If they are at present doing everything possible to constrain even the funerals of unrest victims from turning into mass political meetings, it is not conceivable that they will be prepared to allow open political meetings by an ANC leader with almost mythical appeal. And on the other hand Mr Mandela cannot be released without being given his freedom as a potent political agent.



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It follows that there can be no realistic prospects of releasing Mr Mandela *except as part of a comprehensive new political deal.*

### Security policy

Only in the context of an entirely new orientation of security policy generally and of a lifting of the many constraints on open political processes for blacks in South Africa, including the prior unbanning of organizations such as the ANC, PAC, BPC etc, does it begin to make sense to release a political leader of Mr Mandela's stature.

Short of that, his release can be only a desperate and short-sighted gamble of a kind the government is quite unlikely to make. The danger is rather that Mr Mandela's release, like a settlement in Namibia, may become an endlessly delayed bargaining ploy. In his case, though, there is a more definite time limit.

The government's hand may still be forced by circumstances beyond their control, but either way everyone concerned had better be realistic about the implications. In this case, too, there are no easy solutions.

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