

ANOTHER VOICE


 Sunday Times 17/8/86
 HARALD PAKENDORF

NELSON MANDELA in jail is like a stone in the stomach of the South African body politic — if we don't cut it out, we will go through troublesome waters, and may even drown.

But to make that incision so that the body politic does not get inflamed — therein lies the rub.

Let us go back and see where the "Free Mandela" idea comes from. It has been mooted by various organisations for some time. One personality who has been pressing for it is Chief Buthelezi. But don't forget Kaiser Matanzima did the same.

It was the State President, however, who made it a central theme when, at the opening of Parliament last year, he said that Mandela could be released if only he would renounce violence.

In the meantime, the EPG have said it, so has Sir Geoffrey Howe on behalf of the EEC — and still nothing happens.

Why should he be released, though?

In the first place he is an old man, so there are humanitarian reasons. But also his being in jail has blocked every attempt by the Government to get black leaders to come forward and discuss a new dispensation.

And with the National Council up in the air after this week's NP Natal congress, it is time to again think seriously about the issue.

The Government is aware of the conundrum. Why, then, does it not call the ANC's bluff and release Mandela unconditionally? It is a question of face — it has to be saved — and also, how can he be released without it appearing as though Pretoria is giving in to pressure?

But there are other questions.

Surely, the argument

We have a play waiting to open. But while Mandela is in jail, we can't even get the curtain up

runs, if Mandela is released he will hold a mass rally, there will be disorder, maybe a terrible escalation of violence, a further harsh clampdown, and matters will be worse than before.

And Mandela would be back in jail — this time under the emergency regulations and not because a judge sent him there.

Or Mandela could leave the country and form a government-in-exile. That would be a further unacceptable development.

Or, probably worse, his safety could not be guaranteed. In the present violent situation, somebody might assassinate him and the Government would be blamed.

That is the Government's position. If, however, one accepts that it is serious about releasing Mandela and getting the National Council off the ground and staying off the worsening sanctions drive, one should perhaps stand back a little from the problem and kick

some ideas around with other involved parties.

The other scenarios could look like this:

In the first place, it is a miscalculation that Mandela is the most senior ANC man in jail, or that pressure is only about getting him out — or that his release would somehow divide the ANC, because there would immediately be a power struggle between him and Oliver Tambo.

Although the lines of command are not all that clear, Mr Tambo was elected deputy to the late Albert Luthuli and is, therefore, the most senior elected ANC leader. And still is.

Also, that Nelson Mandela's most senior position was that of Transvaal chairman — thus one of four vice-chairmen. His seniors are certainly Walter Sisulu, who was national chairman at the last legal ANC congress in

1959, and Govan Mbeki, who was secretary-general.

And these last two are in jail with Mr Mandela — whose name has been up front because of his command at the time of his trial of the military wing of the ANC. And because the ANC focused its campaign on him, because his name was better known.

The campaign, then, is for the release of all political prisoners, Mandela being only one of them.

It is not impossible that the release could be finessed, if handled in this manner: his release, and that of his compatriots, is not done simply by Pretoria opening the gates of Pollsmoor.

The matter has first to be discussed through a third party — with Oliver Tambo? — so that arrangements can be made to contain possible violence, that is assuming the ANC can control all the violence, or most of it.

It requires a third party trusted by both parties, can be done behind the

scenes, need not become public, and a timetable of sorts should be agreed to.

The Government can get around its condition for Mandela's release by saying that prisoners will be released into a peaceful atmosphere (or some similar wording), the ANC gets agreement for the prisoners to hold some public meetings in the major centres, and the prisoners then leave the country.

One would then expect them to travel the world to make their points — which would not be different from what the ANC is already doing.

Then the former prisoners could be recalled to Lusaka for consultation with the external ANC and come back into South Africa to operate here much in the manner in which Mrs Mandela does.

Make no mistake, all of this means that the Government will have spoken to the ANC. But also that the ANC will have had dealings with the Government.

And also that the ANC will, in fact, have an internal wing which, while not legalised in form, will be so in practice. And it will mean that a whole new political game will have started.

A risky one, true, but running the risk of not doing it has so far meant an increase in lawlessness, in sanctions and a deepening of the South African crisis.

Not only that, but the Mandela issue has bedevilled any chance of a consultative process being launched.

We need to engage the ANC in that process, not because it is the only other political actor in the play, but because it is one of the actors. And the others won't come forward without the ANC.

Keeping political prisoners in jail has stopped the play from opening at all. Another look at the whole issue is seriously needed if any real negotiations about a viable future constitution are to get off the ground.

Sunday Times

THE PAPER FOR THE PEOPLE

Yes, but is this all we're getting?

PRESIDENT BOTHA this week repeated his celebrated statement that South Africa had outgrown the outdated concept of apartheid — and then did nothing to prove it.

His address to the National Party congress raised serious questions about his will, or ability, to take the reform programme to its logical conclusion. Where it did not actually contain backsliding overtones, it sent disquieting signals that he has no plans to move much beyond the point reached in June.

For example, the Group Areas Act, although it is to be more "flexibly" applied, will stay. (When will politicians learn not to use the word "never"?)

This odious law is the very fundament of entrenched apartheid. Any government that wishes to be taken seriously when it claims that the concept is outdated simply dare not flinch from its total abolition.

Scrapping it will not lead to overnight, mass migration of people between suburbs. Among all groups there is a tendency to gravitate to residential areas of like cultural interests and economic class. So why keep an insupportable statute which codifies in law what other societies leave to human nature and economics?

There was, too, a stubborn commitment in Mr Botha's speech to the concept of group, as opposed to individual, rights. Power, he insist-

ed, must remain divided as well as shared.

No-one can take away from the President the credit he deserves for initiating a bold U-turn out of the cul de sac of apartheid. It would, therefore, be sad and hugely damaging to his place in history if he now funks the final steps to escape from it altogether.

Is this merely a tactical pause, or an excessively cautious response to the old, inevitable story of the De Tocqueville dictum, that the most dangerous moment for a previously repressive government comes when it embarks on reform?

The truth is that the Government cannot forever keep the lid on dissent and black aspirations by declaring a never-ending state of emergency. If the suspension of civil liberty has any utility at all, it is a means of buying time for completion of the reform programme.

Mr Botha's unwillingness even to hint at his vision of the ultimate future — Is it federal? If so, *how* federal? And why unearth daft and discredited notions of "city states" — leaves one wondering whether such a vision exists at all. Does he have any viable plans beyond the tricameral Parliament, local government of byzantine, Heunissian complexity, and a National Statutory Council which no credible black leader will join?

If not, we should be told. Or have we been told?

BRIAN POTTINGER spells out the real meaning of President Botha's speech to the

Nat Federal Congress

So far and no further

BY congress's end, the National Party organisers would have been better advised to take down the keynote "For freedom and stability" posters from Durban's Pavilion and put up new ones.

They should have read "So what did you expect?"

The fourth federal congress of the National Party this week was the second in a two-part drama for Southern Africa.

The first part was scripted on Sunday, May 18, this year when South African security forces struck symbolically at the ANC in Lusaka, Harare and Gaborone.

South African Defence Force commandos then told the world to take a running jump; mortars and rockets are local vernacular and Pretoria, rightly or wrongly, believes it is the one our neighbours best understand.

This week's National Party congress was Part 2.

It dealt, however, in signals and symbols, not for the world but for ourselves, and was couched in the same idiom of resistance and, yes, truculence. It is not by chance that President Botha made no effort to convey the most important parts of his message in English.

A little history gives the background to what happened (or, if you are less initiated, what did not happen) when 1 800 delegates from the ruling party got together.

Here two concepts are useful: one is the idea of *adaptive* reform and the other is the concept of *fundamental* reform.

Adaptive reform is what President Botha is all about. It entails changes to the basic apartheid dogma so as to clean up some of its grubbier elements, admit allies of other races and create a climate for further change.

ADAPTIVE

But two things remain inviolate: political rights must be exercised through race groups, and white (read National Party) domination must not be allowed to slip. The dilemma is how to share power without losing it; in pursuit of its solution Constitution Minister Chris Heunis has burnt much midnight oil.

The process of adaptive reform could conceivably have once lurched over into fundamental re-

How painful it must have been for him to live with inflated expectations of reform he could not believe in,

form whereby the Government began genuinely negotiating about power distributed on the basis of the free association of individuals. That certainly is the hope that has sustained progressive, but not radical, opposition.

It has not worked thus far, and for many reasons. Only two are really important.

First, the National Party, having once discovered "reform", showed itself to be the adolescent on the first date. It did not know what to do. When the suitor was rejected, macho responded.

The "Force" was then unleashed and, much in the manner of a bull-terrier with a firecracker tied to its tail, rushed around sav-

vaging almost everybody. All the opposition had to do was keep tossing in an occasional match.

Second, the radical leftwing opposition groups in this country believed, incredibly, that a little international huff and domestic puff would topple the Government. They pushed it to unconscionable lengths and the Govern-

ment inevitably retaliated savagely and, the future may prove, unwisely.

MYOPIA

The UDF and its cohorts still owe the nation for that unpardonable act of tactical myopia.

But this is all by way of history. The point is that when Presi-

dent Botha came to address the fourth federal congress of the National Party this week it was a vastly different congress to the third, the one in Bloemfontein four years ago when it launched its new constitutional plans.

Purified of its doubting Thomases and fifth columnists, the party could four years ago believe in a future; a complacent Chris Heunis could then quaff a beer in the Pressroom knowing he had taken the party.

The delegates at this week's conference still have faith, a touching kind, and probably more than their leadership deserves, but little vision. In recent years

they have less understood what their leaders have been saying and, instead, have tried to feel what is going on.

The process of adaptive change has, under the exigencies of pressure and circumstance, speeded up and the old verities have fallen, to be replaced by semantic flatulence. "Reform", through the ministrations of the party technocrats, now means whatever one hopes or fears to make of it.

REACTIONARY

Where the progressives would once have sought to ease the party through adaptive into fundamental reform, they now find

the difference between the two still achingly wide. The process, simply, has stubbed toes on the crash-barriers erected by now confused supporters crying too much, where to — and a very weary leader.

President Botha sees that clearly. More important, he feels it himself. And so he chose the federal congress to reassure, to sketch what the military would call "defensible perimeters" in domestic politics, to again gather in his people.

The result was one of the most conservative and reactionary speeches for a long while, made much easier by the knowledge that once one has nothing to gain

by being nice to foreign governments one also has nothing to lose by being nasty in one's domestic relations.

The main elements are easy to sketch: rehabilitation of the old National Party apartheid dogmatists, emphasis of the continuity of apartheid philosophy, xenophobia (made easier by sanctions), suspect argument by inappropriate comparison, reaffirmation of independent homelands and the tired old ideas of race-based city states, "co-operative" structures for basically ghettoised politics and always the heavy hand of security.

The upsides were left to Ministers: a possible "Bill of Rights"

(whatever that may mean) and elections to establish black representation (watch the UDF fluff this one too).

Listening to President Botha's laboured delivery one's sympathy lay deeper than simply for a sore throat. How painful it must have been over the past two years to live with the inflated rhetoric and expectations of a reform in which he could never believe and had, in all truth, never sought to propagate.

In party quarters it has long been said, sometimes maliciously by Transvalers, that President Botha's interests were always parochial: get the coloureds back into politics and leave the rest to a successor.

President Botha, I believe, this week spoke straight from the heart. He has deliberately halted his cavalry short of the gully; will not take them across to voluntary association in politics and to fundamental reform.

When his adaptive reform policy fell apart, his Tuesday speech (some wags call it the best speech of 1978) was the inevitable consequence. It has been a long time in the waiting.

SECURITY

He had seen the future through the Eminent Persons Group and in the heightened expectations flowing from his own colleagues' persistent and casual abuse of the word "reform". And he has walked away.

Constitutional change will continue through the National Statutory Council with or without the main players; it is the Namibian internal settlement option and will, in all probability, fail.

If he was thus unable to offer his party a vision, what could he give? He sold it security, primordially presented by his Ministers of Police and Defence. If he could not show his followers a blueprint of the future, he could at least assure they would not be killed in their beds.

Most delegates — indeed most whites — would settle for that after the obfuscatory politics and mounting violence of the past. The paradoxes between reform and repression no longer discomfort.

President Botha used the word "freedom" 36 times in the first five pages of his speech while police outside the pavilion took action in connection with peaceful demonstrators that could not initially be reported because of the emergency.

But what did you expect?

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Does SA really matter in Winnie Mandela

SUNDAY TIMES - 17 AUG. 1986

THE plaza is Yale University's focal point. It used to be called Beinecke Plaza, but that was before Winnie Mandela City was erected.

Winnie Mandela City, strategically placed in the centre of the plaza, is a "shanty-town" inhabited and run by a very determined, very active group of Yale students who are demanding their university's divestment from companies who do business in South Africa.

The "shanty town", meant to deface the crisp, shimmering beauty of the plaza and thus bring to the attention of the Yale community the true horror of South Africa's real squatter camps, is, in fact, not aesthetically unpleasing.

To the divestment campaigners' credit, rather than discouraging potential supporters with a holier-than-thou morality and ascetism, the movement has attracted widespread support by offering a vision that is a combination of outraged '60s activ-

ism and swirling day-glo '60s fun.

This is not, however, to belittle the campaign of the students. They are, for the most part, motivated by a strong, sincere belief that apartheid and the present South African regime are morally reprehensible and should not be supported in any way by their university (a bastion of liberalism) or by their country (which is, after all, the "land of the free").

Their devotion to the cause, however (a devotion which has eclipsed, for many of them, the importance of their studies — a rarity at Yale) has another motivation as well, one that is slightly more questionable.

At a rally following the administration's entirely unnecessary and insensitive destruction of Winnie Mandela City (due to the unauthorised addition of a monument com-

memorating South Africa's dead), David Montgomery, a member of the Yale faculty and one of America's foremost labour historians, shouted across Beinecke/Boesak Plaza to hundreds of strangely pensive students: "This has been a bad year for dictators!"

"We toppled one in Haiti, another in the Philippines and by the end of the year will have toppled a third in South Africa" — this from a sworn enemy of the imperialist Reagan!

Even those Americans who decry, even today, Vietnam; even those Americans who are offended to the core by Reagan's Central American policy, those Americans who have bumper-stickers saying "Boycott South Africa, not Nicaragua!", have the same "foreign policy" as their despised President — the policy that they — simply because the Americans, because they are the founders and the perpetuators of the world's greatest democracy — have



By MARK GEVISSER
a South African student at Yale

the right and the power to free the world, to change things according to their own, American, sets of values.

Those hundreds of students standing at the rally (the biggest one I have seen at Yale) had a lot to be pensive about.

The rally was a far cry from those I have witnessed on South Africa campuses, and the reason was obvious — try as hard as they could to make the divestment issue emotionally charged, they could not remove it from the very intellectual, very distant plane it occupies in the average Yale student's mind.

The gap between the theat-

ricality and the reality of South Africa was made most obvious to me in the speech of one of the students at the same rally: "The Yale administration", she shouted, "is just like the South African police! They removed us forcefully from our shanty, from Winnie Mandela City! They destroyed our home!"

I could not take her self-righteous appropriation of other people's pain very seriously.

She, unlike the squatters at KTC or Crossroads, has a warm bed in one of Yale's fortress-like colleges to go home to, protected by a locked gate from the real-

ities of New Haven, America's seventh-poorest city, and from Dixwell, the depressed black neighbourhood only three blocks away.

And yet, one of the most prized possessions of the divestment campaign is a telegram from Bishop Tutu, which was blown up and postered all over the campus, saying: "Keep up the good work!"

The question to be raised here is, therefore, does it matter whether the Yale students are laying their lives on the line or not?

City?

Does it matter how theatrical their campaign is, or if they are raising the consciousness of their fellow students?

These questions were put to me a year or so ago by Brooke Baldwin, a graduate student who was, for the most part, largely responsible for getting the divestment campaign off the ground.

I was speaking to her at a 24-hour "Vigil Against Apart-

heid" outside Woodbridge Hall, the administrative offices of the university.

The spectacle there horrified me — some students were dancing to songs like "Special AKAs", "Free Nelson Mandela" and Peter Gabriel's "Biko", while others were dotted around candles burnt into the concrete paving of the plaza like campfires, snuggled under sleeping-bags, drinking wine and smoking pot.

I, a South African, was deeply offended — nobody seemed to be giving a thought to the injustices and horrors of my country, and I voiced my reservations to Baldwin, a woman I have always respected for her knowledge and sincerity.

She told me that she too was disappointed with the behaviour of most of the students, but explained the tactical importance of

sensationalism in any political mass movement.

Another activist made it clear to me that what was important was that the Left in America had finally found something around which to coalesce, something that was so distant, so clear-cut, so "black and white", that people who usually disagreed on things closer to home could find common ground. South Africa, its people and problems, did not really matter at all.

If campaigns like that at Yale do exert pressure on South Africa to speed up the collapse of apartheid, then I must support such campaigns.

I cannot, however, subscribe to a morality that strikes me as a second wave of imperialism, the imperialism of Yale students, armed with lapel buttons saying "Divest NOW!", who, in their quest for political correctness and moral ascendancy, are re-colonising my land and my people.

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Suka

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Politik as Bonn government think tank based near Munich.

The Lambsdorff proposals are based on Baron von der Bopp's plan and envisage South Africa being divided into two states, each roughly equal in geographical extent.

The northern black state would account for roughly 75 per cent of the gross domestic product.

The partition plan has been discussed both in the Federal Republic of Germany, where it has been mentioned more than once in the Hamburg weekly *Die Zeit*, and in countries ranging from Australia and Holland to Mexico and France.

Several foreign newspapers such as the *International Herald Tribune*, the *Guardian* and the *Washington Post* have dealt with the proposal in depth.

The *Augenblick* essay has been reprinted in South Africa and the proposal taken up by other experts.

A black South African newspaper, the *City Press*, wrote last autumn that experts backed by the South African government had drawn up a plan for a threefold carve-up of the country.

Right-wing extremists, white groups, presumably with scant influence, have called for a "white homeland" in the heart of South Africa.

Another, somewhat mysterious, South African group, the Organisation for the Independence of South-West Africa, calls for an "independent" Cape province.

South Africa's leading business executive, Gavin Reilly of the Anglo-American mining and industrial corporation, recently described partition as the "final solution."

Count Lambsdorff agrees. Viewed from outside, he writes, partition would appear to be an absurd solution. But if consociational democracy failed to work in South Africa, which seemed likely, the whites must be offered a refuge.

The consociational approach, as proposed for South Africa in the Federal Republic by a group of researchers headed by Theodor Haas in Freiburg, envisages cultural and linguistic autonomy for whites and blacks, assured minority rights and a quest for consensus on all fundamental decisions.



Otto Lambsdorff (Photo: Sven Simon)

The 1984 South African constitution incorporates individual features taken from this debate, but amounts to no more than what has been termed "sham consociationalism."

The partition proposal must, Count Lambsdorff says, differ fundamentally from the South Africans' "homeland" concept, which from the outset has, like the apartheid policy, been unacceptable.

The aim must be to ensure, in power policy terms, the right of white and coloured South Africans to survive and so to prevent a civil war he sees as an increasingly distinct possibility.

The outcome of a civil war would be far from clear; the Afrikaners had succeeded at the turn of the century in keeping the British Empire at bay for four years in the Boer War.

They were still not prepared to abandon power voluntarily. So an approach needed to be taken that went further than conventional ideas.

Partition would not result in a divided nation, as in Germany or Korea, because no such nation exists.

Count Lambsdorff referred to an "Afrikaner Israel," probably in the western Cape province, adding that Palestinian claims to have had their land stolen from them and not to have been granted statehood of their own did not exactly apply by analogy in this case. Yet partition

Continued on page 3

1986

SOUTH Africa for the last ten years — since the so-called Soweto riots — has been in a state of violent equilibrium in terms of which black resistance is unable to overthrow the Government, but at the same time the Government is unable to eliminate violent revolt.

If foreign media coverage is to be believed, this basically stable equilibrium has been upset, and the overthrow of the Government is but a matter of time.

Last year, and during the first half of this one, the balance certainly swung against the Government.

Emergency Mark II is now succeeding from the Government's point of view. Violence is diminishing and the balance of power — never fundamentally upset anyway — has swung back in the Government's favour.

Screwing down the lid on resistance is only part of the reason, however. Sheer weariness among township dwellers is another, compounded by a backlash against the disruption caused to the man, woman and child in the street by demands for consumer boycotts, stay-away and the like.

If security forces had displayed more sympathy and sensitivity to ordinary black people, such a backlash would have materialised much sooner than it did.

Obviously, however, screwing down the lid is a short-term expedient. It was screwed down in 1960 after Sharpeville, only to be blown off in Soweto 16 years later.

A combination of security clampdowns and reform action held the lid down after 1976, but it has been blown off again with even greater violence barely eight years later.

Grudging

On this model, the Government has no more than three to four years to get to grips with the basic causes of political violence in South Africa — unemployment, and the continued exclusion of blacks from political rights.

Will it seize the opportunity now presented or will it squander it?

Seizing it requires a much more decisive and wholehearted approach to reform than the grudging and dilatory attitude that has been so much in evidence until now.

It is astonishing how decisively the Government can act when it really wants to: witness how it sledgehammered the recent amendments to the Public Safety and Internal Security Acts on to the statute book, or how swiftly the State President overturned the courts last month when they tampered with some of the emergency regulations.

An even more telling ex-

Natal Indaba: Still a beacon of light which beckons across the desolate SA landscape

By JOHN
KANE-BERMAN

Director of the South
African Institute
of Race Relations



ample is how, in the short space of eight years since the UN arms embargo was imposed in November 1977, the Government built up Armscor and the huge South African arms industry.

How strikingly this contrasts with its abject failure to get to grips with the black housing crisis. When the Government wants to make guns, it goes ahead and speedily does so. But when it comes to black housing there seems to be an utter failure of will.

When the Group Areas Act was put on the statute book nobody gave a fig for local option, but now, when pressures are mounting for its repeal, the Government goes all coy and develops a sudden interest in the wishes of local authorities.

If the dilatory approach to reform could be abandoned, there is a great opportunity to give the ordinary black person in this country some hope and some material benefits.

There is now probably little that the Government can do which would satisfy those who are now dictating Western policy towards South Africa.

But there is a great deal it still can do to meet the de-

mands of black South Africa, which is a different constituency — and one which, unlike the outside world, has a powerful moral claim.

Part of the package is that Group Areas, the Land Acts, Separate Amenities, the odious citizenship laws and the Tricameral Parliament will have to go.

That is the opportunity. Will the Government seize it?

The State President, as the conservative leader of a conservative party, is ideally placed to do the job — to cast himself in the mould of a Benjamin Disraeli.

Beacon

I am not a total pessimist on this issue. After a couple of footfaults, the Wiehahn reforms went through and were implemented.

One might have said the same about the comprehensive repeal of the pass laws — but we now have to reserve judgment until the Department of Home Affairs resolves its identity crisis and decides that it does not want to be the Department of Bantu Administration and Development after all.

On the question of political and constitutional reform, there is a beacon of light

beckoning across the desolate landscape: the KwaZulu-Natal Indaba, which I am privileged to serve as deputy chairman.

Two points can be made about this spectrum of opinion: at the indaba the first is that it is little short of a miracle that in the midst of the polarisation and the violence that has been taking place in South Africa, organisations representing so diverse a range of viewpoints can meet for constitutional discussions at all.

The second is that impressively wide as the spectrum of viewpoints is, it is not as wide as it might be.

On the one hand, the National Party is present in an observer capacity only — although with full speaking rights, which it exercises — and on the other the words "African National Congress" are not among those adorning the desks of the various delegations.

This is obviously a disadvantage, but it is not what one might call a fatal flaw.

I have no doubt that the formula for a second-tier government that the Indaba will eventually come up with will find broad, and even enthusiastic acceptance by the great majority of people in Natal. Ultimately this is what counts.

The Bill of Rights recently agreed upon by the Indaba is its first major breakthrough. For South Africa it is a watershed, because there is no other constitutional document in the country's history adopted by so wide a spectrum of interest groups.

Some of the key provisions

of the Bill of Rights are:

- Equality of everyone before the law without any distinction on the grounds of race, colour, language, sex, religion, ethnic or social origin, property, birth, political or other opinion, or economic or other status.

- Entitlement of everyone to own and occupy property anywhere in the province and to freedom of movement and residence within its borders.

- Entitlement to freedom of opinion, expression and association.

- Access to due processes of law, including the bringing of a writ of habeas corpus.

Of course, the Indaba is concerned only with the province of Natal, and this Bill of Rights will be binding only on organs of government in Natal.

Ultimately what the country needs is a national Bill of Rights which is enforceable against the legislative and executive arms of government at central level.

Such a Bill of Rights, along with a democratic constitution for South Africa as a whole, would need to be adopted by a national indaba at which representatives of the full range of South African political opinion would be represented, including leaders and organisations now banned, in prison, or in exile.

Incidentally, it is a pity that the Western powers let slip an opportunity to facilitate this at the Tokyo summit in May.

Crunch

South Africa had sought an assurance that if it released Nelson Mandela, as the West demands, and if this precipitated an upsurge in violence, as Pretoria fears, and it then took steps to curb the violence, it would not be punished by the West. The proposal got nowhere, however.

The Indaba was not put together by a group of outsiders, eminent or otherwise. It did not come about because Western governments held a pistol to anybody's head; it is a wholly home-grown South African initiative.

I suppose that one of the things we also need in South Africa is a latter-day Galileo to explain to Mr Hennis that in the real world the earth revolves around the sun and not round the Department of Constitutional Development and Planning.

If the Government treats the Indaba in the disdainful fashion in which it treated the Buthelesi commission, then it will snuff out this beacon of light.

One can only hope that it is capable of learning by its previous mistakes.

● Excerpts from an address during a panel discussion organised by the Young Presidents' Organisation at Mala Mala yesterday.

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1986

**THE
EMERGENCY**

STATE TRIES TO CLOSE THE EMERGENCY GAPS

CP Correspondent

THE cracks discovered in the government's emergency regulations by the Metal and Allied Workers' Union last month were forced even wider this week by the Natal Supreme Court's ruling that the regulations allowing for arrest and detention were invalid.

Since this judgment – which secured the release of UDF official Lechasa Tsenoli – many releases have taken place and many more individual applications for release are coming to court.

The State has already lodged an appeal against the judgment and the matter could be heard in the Bloemfontein Appeal Court soon.

But before the appeal court could examine the ruling, Law and Order Minister Louis le Grange made his displeasure clear – saying the government did not accept it and would fight every application. He also

hinted at new regulations to close the gaps – possibly to effectively bar any further court-ordered releases.

Among those freed this week were 22 unionists in northern Natal, after the Congress of SA Trade Unions and seven other unions brought an application to the Maritzburg Supreme Court.

Cosatu asked for the release of all 22 because the Tsenoli ruling had set a precedent in Natal. The unions also asked for a number of documents and records to be returned to them.

Union officials claimed the police in northern Natal were not arresting members because they were a threat to the public safety or security, but because the police wanted to get rid of the unions. The officials said their work was totally hampered by the police who had arrested so many of their members, and who walked in and out of the offices as if they owned

them.

Cosatu's Alec Erwin alleged that in northern Natal the police had deliberately left the Inkatha-backed United Workers' Union of SA "unhindered", but had attacked Cosatu in order to "limit its ability to challenge Uvusa".

Cosatu asked the court to order the police to return union documents and records confiscated during raids last month. It also asked the court to stop police harassing them.

Cosatu lawyers were told during an adjournment of the court hearing that the 22 would be released.

The State also agreed to return the union's documents once the police had copied the papers they needed.

Among the unionists released were Willie Mchunu, whose wife – together with Mawu – originally challenged the emergency.

Although she and Mawu won

the right for lawyers to have access to detainees, they lost the challenge for his release.

Lawyers for the 22 said some of them had been served with restriction notices valid until the end of the emergency. However, they could not give any details of the restrictions.

And while lawyers for detainees were flocking to court, a full Natal Supreme Court bench was hearing a new application – by newspapers challenging the validity of government Press restrictions.

Most of the major SA English language papers jointly brought the application in which they argued that the reg-

ulations restricting the Press went beyond the power of the State President. Argument has been adjourned until Monday.

Sydney Kentridge, arguing for the newspapers, said the seizure of copies of the *Sowetan* last weekend was



UDF official Lechasa Tsenoli shaking hands with lawyer Malcolm Wallis – while Leonard Gering looks on.

an example of the kind of minefield faced by the Press.

Several editors involved in the application said in court papers that their publications would lose heavily if an edition should be confiscated.

In other developments this week:

● Johannesburg lawyers were told to let about 25 applications based on emergency regulations 3(1) and 3(3) – invalidated in Natal – stand down until the Ap-

pellate Division's decision.

● The application declaring the detention of teacher Dehran Swart invalid was postponed to August 22. Swart was detained on June 26 for allegedly possessing subversive stickers.

Mayekiso's last words: Going back to SA will mean going back to jail



METAL and Allied Workers' Union general secretary Moses Mayekiso – presently detained under Section 29 of the Internal Security Act – recently visited Sweden at the invitation of the Swedish Metal Workers' Union.

While there, he was interviewed by the union's magazine, *Metallarbetaren*, on the state of emergency and its effects on union activities – and, in particular, on what would happen when he returned to SA. Two days after the interview was published, Mayekiso arrived at Jan Smuts – and was detained under the emergency regulations. The interview is probably his last before he was held.

His children are hiding with relatives and his wife (above, right) has gone underground. Many of his union's organisers have been arrested.

Moses Mayekiso left South Africa the day before the emergency was declared – and feels it's not safe to go back.

"My life is in danger in SA," he says. "To go back would be going straight to jail."

Despite his fears, he says he will return as soon as possible. He is needed in SA.

When in South Africa, he lives under

severe stress and doesn't sleep two nights in the same bed.

Apart from his union activities, Mayekiso is also chairman of Alexandra Action Committee – a fact which only increases the State's interest in him.

He is working in a practical way to reorganise Alex people, so they can handle their own problems – social, economic, administrative and political. It's a way of learning democracy and preparing for a free South Africa, he points out.

"The structures are similar to those of the union – 95% of the people in Alex are workers," Mayekiso says.

"During the unrest last winter the community councils were chased off and the people took over."

"Residents in each street handled their own garbage collection and sanitary services. They learned they were able to handle their own matters," he says.

"In Alex, people's courts are held at different levels. We believe every crime has a ground in the capitalist system and the apartheid system."

"The victims must be educated so they are not used by the system. We only sentence people to education."

"Necklacing has nothing to do with people's courts. Necklacing happens when a mass of people take revenge."

"We condemn necklacing, but SA is in a state of war – and then it's difficult to say what is right and wrong. These people are avenging their dead children," says Mayekiso.

"The propaganda that blacks kill blacks is not true. Today there are only oppressors and oppressed – the battle is between them."

"There are blacks and whites on both sides. Colour doesn't make a big difference."

Alex is now governed by its inhabitants, says Mayekiso – even though attempts are often made to break the strong organisation and unity.

"Vigilantes start fights. Big meetings are banned. But people know what democratic structures they want in the future SA," he concludes.

By SIBUSISO MNGADI

ALLEGED ANC guerrilla Gordon Webster, sprung from Maritzburg's Edenburg Hospital after being wounded in a shootout with police, was trained by a policeman on how to use firearms and explosives.

This claim was made by Port Natal Security Branch divisional commissioner Brig Johan van Niekerk in an affidavit in the Durban Supreme Court this week.

The affidavit was in reply to an urgent application made by Lucille Webster against the Law and Order Minister for the release from detention of her attorney husband, George Webster – brother of Gordon Webster.

The policeman – an

ANC member when he trained Webster, according to the brigadier, recognised him in a photograph given to him by security police after the shootout.

"A photograph of Gordon Webster was sent to a member of the SAP who identified him as an ANC terrorist he had trained in the use of arms, explosives and other general terrorist acts at the Pango Base in Angola," Van Niekerk said.

The brigadier added that he did not want to identify the policeman as it would endanger his life.

"The policeman who gave me this information is experienced and reliable and in my opinion one can rely on his information," he said.

He denied a statement by Lucille Webster that her husband was detained in order to "flush out" his brother, Gordon.

Maritzburg Security Branch policeman Capt Jacobus Vorster said "investigations" revealed George Webster was involved in guerrilla activities.

He said that after a series of arrests, interrogation of those arrested led to the arrest of Robert McBride on July 17.

McBride is alleged to be the head of an ANC cell.

During interrogation between July 17 and 20, McBride allegedly told the captain of George Webster's involvement and activities, Vorster said.

Judge Page dismissed the application with costs.