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THE SCREENING OF SOUTH AFRICA

Every morning the South African ambassador in Washington meets his information staff to discuss new problems. Increasingly, the agenda reads like a cultural itinerary. The merging of art and resistance in the form of films, plays and music has created a formidable propaganda problem.

Chris Streeter, information chief at the Embassy, has a worksheet that lists 27 items his staff has had to handle in the six months since last June. The news about South Africa has been drastically curtailed, but the story is flooding in on a wave of celluloid, cathode, mbaganga and cries of Amandla! chorused through the Mitzi E Newhouse Theatre at the Lincoln Centre where the musical Sazrafina is sold out every night.

Cry Freedom, the \$21m film by S11â\200\230 Richard Attenborough, is the most spectacular of the artistic representations of apartheid in action. " Even though the film is not yet a box office ~ hit, for every 10 people who see it, 1000

Cheetah Haysom

have read about it or seen a TV discussion of it.

Attenborough and the former editor of the East London Darly Dispatch, Donald Woods, whose books Biko and Looking for Trouble are the basis of the film, were the subject of interviews in newspapers and on television. There were even editorials about the film. The reviews have been mixed and there is criticism of the dominance of Woods in a film that was expected to be about martyred black activist Steve Biko. But it has been a four de force of anti-apartheid propaganda and will continue to be if the film, as is expected, is nominated for Academy Awards in February. It is reaching deep into mainstream America, to hearts and minds often inaccessible to the dry news of international turbulence.

Outside the political arena in the United States there is widespread ignorance - and indifference - about South Africa. A survey by Universal Pictures, before backing the

film, Cry Freedom, revealed that less than 12% of Americans knew what apartheid was.

Donald Woods hoped to change that figure. The film was aimed, he told an American reporter, at the white northern hemisphere, to dispel the massive ignorance of apartheid and hopefully to raise their awareness so they will require their governments. . . to take strong steps, such as economic sanctions, disinvestments, diplomatic measures, to do all possible to bring the South African government to the negotiating table with blacks - with real black leaders.

Richard Attenborough said much the same. With eloquence and passion he turned many interviews away from discussion of the film to an appeal to Americans to support trade sanctions against South Africa.

An American film executive said: After that final scene, when the police opened fire on the children, I had tears in my eyes and I walked out of the theatre and thought if there

Above: \ i
Kevin Klineas ' Â®
Donald Woods. .

Below:
Denzel Washington
as Steve Biko.

was something I could do to change things there, I would do it.â\200\235 Many people have been moved by the film. In a survey of audience satisfaction done by Universal Pictures, more than 90% gave the film the highest rating - â\200\234excellentâ\200\235. But does that translate to action - Americans urging their congressional representatives to support trade sanctions, or lobby for shareholdersâ\200\231 resolutions in support of disinvestment? There is no conclusive evidence that visual stimulation incites mass behaviour - a fact that dominates the debates over the effect of TV violence on children, and pornography on rape statistics.

Streeter at the Embassy does not see signs yet that art inspires direct action. The Pretoria University-trained political scientist and his staff closely monitor the ebbs and flows of media attention to South Africa. He believes that a â\200\234â\200\234climateâ\200\235 is deliberately orchestrated by opposition forces to facilitate specific ends - recently it was trade sanctions. Cry Freedom, he believes, was deliberately released to heat that climate.

Ambassador Piet Koornhof also thinks there is orchestration behind the release of various films and plays. Six months into his ambassadorship, the former cabinet minister concedes that the impact of Cry Freedom has been â\200\234colossalâ\200\235â\200\231. But he doubts that this film will fulfill Woodsâ\200\231 ambition of galvanising Americans to action, partly, he says, because Americans are fair. â\200\234They have judged this film for what it is.â\200\235

Dumisane Kumalo, the American Committee on Africa project director who spearheaded and then administered the entire disinvestment campaign in the US in its early days, sees little chance that Cry Freedom will translate into votes. â\200\234The South African story is too complex to be carried forcefully by the epic dimensions of this film. It is most compelling when told a small piece at a time.â\200\235

These â\200\234â\200\234small piecesâ\200\235 of culture add up to a potent wave of emotional information reaching the American public - possibly more compelling than news reports. In his 1957 classic on propaganda, The Hidden Persuaders, Vance Packard showed that politicians can make effective use of the appeal to sentiment rather than reason. Publicists were being trained that â\200\234peopleâ\200\231s attitudes are more easily reached through their emotions than their intellectsâ\200\235.

So, though the pictures that are â\200\234worth more than a thousand wordsâ\200\235 have been cut - from the television news, they are flooding ~ in, in another way. An American commented that, although he knew the facts of the Sharpeville massacre in 1960, it was not until

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he saw a visual replay in the film Mandela, broadcast by Home Box Office (HBO) in September, that the full horror of that episode struck home.

Mandela was also heralded by a stream of pre-release publicity. Again, the news and reviews reached many times more people than the film. Whatever its flaws - including stereotyping, idealisation and the mimsy-mamsying of Winnie Mandela - it was the most effective piece of ANC propaganda ever seen in the US. Americans were introduced to Nelson Mandela, they learned about the Freedom Charter and were told that Mandela was never a communist.

Attempts by conservative groups to discredit the film as communist propaganda may have cut viewership a little and made Red-sensitive Americans cynical. But it had celebrity actors, a reputable production company and the endorsement of black nationalists and the United Nations Centre Against Apartheid. It was no junk movie. There is hardly a single news event which could have garnered such positive publicity for the ANC in America.

The Mandela film was accessible to 30m subscribers of HBO, a cable network, and will be rebroadcast. John Kelly, director of media relations at HBO Pictures, said it was fourth most popular of the dozen or so films broadcast by HBO that month. The network's own ratings system, total subscriber satisfaction, rated Mandela the second favourite HBO film among those who saw it.

However, Ted Baehr, a film critic heard on 300 radio stations nationwide, and with considerable inside knowledge of the business, said that the audience for Mandela was less than 6% of subscribers. The reason Americans are staying away from films like Cry Freedom and Mandela, says Baehr, is because Americans recognised the films as propaganda, and don't like being lied to.

Cable TV reaches only subscribers. But network television, which reaches almost every home in the United States, will soon present two more productions about the first family of black nationalism. Camille Cosby, wife of Bill Cosby, is producing a TV film about the life of Winnie Mandela, based on Mrs Mandela's biography. And Harry Belafonte is co-producing a film for TV about both Mandelas. Due to the prerogatives of network television, both films can expect to have lowest common denominator dimensions. They will irritate ideological purists but they will tell the maximum number of people they can attract, stories of courage

and conviction in the face of lifelong persecution. They will confirm the impression of the ANC as the representative of black aspira-

tions in South Africa. For those hoping to counter ANC gains, the prospect is awesome.

The prevailing image of South African authority in these two films, and in many of the plays produced on American stages in the past decade, is one of government-sanctioned police brutality and abuse. They echo and reinforce the images of violence that were broadcast repeatedly on the evening news before the South African government introduced its news blackout.

This picture of raw police brutality is particularly potent because it denies the belief, widespread in the US, that the South African conflict is simply a parallel with the American South - a black struggle for civil rights. This comparison allows a laconic assumption that things will come right there, too. It presumes the existence of a bill of rights and the rule of law - and the sanctity of white skin. Although the dominance of the Woods story in Cry Freedom has been criticised, it had the effect of shocking many Americans out of that belief. Welcome Msomi, South African producer, composer and playwright who now lives in New York, said the most frequent reaction expressed to him about the film by Americans was astonishment that whites, too, were persecuted.

Cry Freedom is certainly the best publicity Black Consciousness has had in the United States. Duma Ndlovu, South African writer, poet and award-winning producer of South African plays in New York, reported back to the Black Consciousness Movement in South Africa when Cry Freedom opened. Ndlovu said the story of Biko, who died of head injuries inflicted by the police, had still to be told. But this film has made Steve Biko accessible to people where he never was before.

Ndlovu helped to found the Woza Africa Foundation at the Lincoln Centre to promote indigenous South African writing. The foundation also produced the sold-out first festival of South African plays in New York. Ndlovu also co-produced Woza Albert and Asinamali in the US, and is now co-producer of Szrafina, the most successful South African musical in years. The show moves to Broadway on January 19.

His influence in South African black theatre here extends to the war of ideologies. While dedicated to supporting resistance theatre, he has been accused of Black Consciousness bias in his selection of plays for the festival. He strongly denies the allegation, pointing to themes in some of the plays that are closer to non-racialist UDF or ANC thinking. But he admits his relationship with the

ANC is antagonistic to say the least.

Plays, obviously, have less reach and influ-

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- ence than films. Ronald Harwood, the South African who wrote the Mandela screenplay, estimates in a TV series on the history of the theatre made for the BBC, that less than 4% of Americans go to the theatre in a year. The figure is slightly higher in the UK. But the polemic messages of South African theatre are expressed by the critics on 'T'V and in print, again broadening the reach of the message.

Ndlovu says that these plays are an indictment of the authorities only because of the nature of South African politics. They are township theatre, a result of people's need to create theatre, not create propaganda. These plays reflect their lives. However, not all township plays pass muster. When Ndlovu wanted to present a work by Gibson Kente, the father of township theatre, Kente said he would like it to be his most recent work. But unlike the fiery protest of his early works, the new play questioned the wisdom of sanctions, poked fun at some of the comrades and condemned violence. Ndlovu said that to produce such a play, that did not represent the aspirations of black people, would invite pickets and jeopardise the goodwill towards South African theatre.

The only play co-produced by Ndlovu that was conceived specially for overseas audiences was Sarafina, a collaboration between internationally renowned trumpeter and composer Hugh Masakela, who lives in voluntary exile in London, and Mbongeni Ngema, the director, producer and writer who helped create Woza Albert and Asinamali. With their unique combination of music, dance, humour, stylised dramatisations, mime and polemics, all Ngema's plays glean publicity.

Using a tactic of rhetoric honed to perfection by Archbishop Desmond Tutu, Ngema tells his grim tales with comedy and satire. There is added appeal in Sarafina where the music is so vigorous, the children so ingenuous, their plight so terrible, that who could not hate the police that kill, detain and harass them?

Dumisane Kumalo, who now runs the Unlock Apartheid Jails campaign for the American Committee on Africa, knows about media manipulation and what galvanises Americans. He persuaded Bill Cosby, one of the most popular figures in the Western world, to join the campaign, converting it into an international media event. Kumalo believes Sarafina is potent propaganda. It exposes Americans to a picture of an army

. occupation of the schoolyards of black South Africa. The audience for this show goes be-

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yond typical middle-class socially-conscious blacks and whites, to a broad spectrum of music lovers, many newly introduced to mbaganga - township music - by Paul Simon. The Mitzi E Newhouse Theatre only houses 400 people, but after three months of sold-out performances it has reached 24 000 people.

Kumalo says Paul Simon and his music have done more to enlighten Americans about South Africa than anyone else. His Graceland album, inspired by township music and made in collaboration with Ladysmith Black Mambazo and other South African musicians, has sold several million copies. His concerts, radio airplays, compact discs, videos and cassettes have reached millions more.

Paul Simon was condemned by proponents of strict application of the cultural boycott of South Africa because of his trip to South Africa to work with black musicians. The boycott, implemented by the United Nations to help isolate South Africa, bars anyone from performing in South Africa and South African entertainers from performing overseas. It has been flouted by many South Africans for years. Athol Fugard is one of several South African playwrights whose work has been produced all over the world. Purists would say Sarafina violates the boycott and creates the impression that the regime tolerates resistance.

However, the boycott has been the subject of debate within the anti-apartheid movement for years, partly because it hurt the victims of apartheid by depriving them of the opportunities abroad that apartheid denies them at home. For example, disc jockeys across the USA play mbaganga, Ladysmith Black Mambazo and Ray Phiri are now stars, and two musicians, Miriam Makeba and Hugh Masakela, who have given many years to support of the black liberation struggle, have seen their careers revive - all as a result of the Paul Simon concert tour. Should he be put on the â\200\234blacklistâ\200\235, a professionally damaging register of those who have performed in South Africa? The question helped bring the debate to a head.

The issue has been increasingly divisive as art from South Africa has become polemic. It was a contentious issue at the ANC conference at Arusha, Tanzania, this year. ANC president, Oliver Tambo, announced there that â\200\234â\200\230the genuine representatives of the peopleâ\200\235 in all forms of human activity â\200\234should be supported and encouraged, not boycottedâ\200\235. The UDF followed with a statement that performers would be exempt if they met certain criteria, including â\200\234â\200\234advance-ment of the national democratic struggleâ\200\235.

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The Simon issue raised the anger of the ANC in New York, where the head of the Cultural Committee, Temba Ntinga, says Simonâ\200\231s efforts were exploitative and mercenary. Ntinga came to the US in 1977 in the cast of Salaelo Mareidiâ\200\231s protest play about prison life, Survival. The role of his committee is to monitor cultural work from South Africa and to act in an advisory capacity, as it has done for American Actors Equity.

Ntinga denies that the ANC screens or demands ideological changes in works of art. However, it does protest against â\200\234misrepresentationsâ\200\231â\200\235 and will arrange pickets if necessary. The ANC-inspired pickets outside theatres housing Ipi-Tomã©i in 1977, and Umabatha in 1979, closed both productions. The ANC also protested against the broadcast by Fox Television of the mini-series Shaka Zulu in November on the grounds that it perpetuated government propaganda. Shaka Zulu's connection to the SABC was expunged from the credits. But it was successful and received good reviews.

The various â\200\234â\200\230small piecesâ\200\235 of the South African story, coming simultaneously, can turn the â\200\234climateâ\200\235 that Streeter refers to into a heat wave. The response of the South African Embassy has been, in the California sense, â\200\230â\200\234â\200\234â\200\230coolâ\200\231â\200\235 - a change from the bluster and braggadocio that has sometimes characterised Pretoriaâ\200\231s responses, adding to its image problems. Any response from the South African government tends to generate more publicity and validate the prevailing image of the authorities. By biting its tongue the embassy in Washington has deflated the potential for much more negative publicity. In any case, the most effective forums - TV and print - are seldom accessible to the South African government for anything but reaction. The climate has almost closed the mediums of mass communication to â\200\234positive informationâ\200\235â\200\235 from South Africa.

The embassy staff must use other methods, some of which include newsletters, mailings, and hours, days and weeks of face to face meetings with influential people. These methods, say South African newsmen in Washington, have been effective. After all, there are no new trade sanctions, and other offensives have apparently died down for the present.

But the deluge of images and impressions continues, with its strong impact on American attitudes. Koornhof concedes they touch Americaâ\200\231s â\200\234hot buttonâ\200\235 - human rights. It is human rights that inspire writers, and these are the issues that move audiences and readers. For propaganda purposes, these

problems themselves have to be addressed, &

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BOSCHENDAL BRUT:
A CELEBRATION OF THE METHODE CHAMPENOISE.,

ITS RICH COMPLEXITY WILL ENLIVEN THE PALATE.
DEDICATION TO THE MOST INTRICATE METHOD OF WINE PRODUCTION, THE TRADITIONAL
METHODE CHAMPENOISE, DISTINGUISHES BOSCHENDAL BRUT.

THE CLASSIC BLEND OF NOBLE CULTIVARS IMPARTS AN INTENSE RICHNESS
TO THE WINE. ITS FINE, LIVELY MOUSSE AND YEASTY, FULL-ROUNDED FLAVOUR
WILL ENHANCE ANY OCCASION.

BOSCHENDAL BRUT. ANOTHER UNUSUAL WINE FROM THE BOSCHENDAL ESTATE.
MAY WE SUGGEST A CELEBRATION.
SOON.

WHERE THE FRENCH HUGUENOTS FIRST GREW WINE.

HUNT LASCARIS TBWA 87070058

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and that can only be done in Pretoria. In fact, the South African government did more in the cause of positive propaganda than a thousand protests and expostulations when it allowed the uncensored release of Cry Freedom in South Africa. That act may even have challenged the credibility of the film.

In terms of culture, the climate created by the art of resistance may soon cool down. It took Attenborough four years to get the backing to make his movie. The average time it takes is two years. Hollywood director and screenwriter Harry Wiland says: "No one has any idea how hard it is to raise money for a film. When South Africa was in the news two years ago, it was possible if you had big names behind you. But it even took Attenborough four years, and he had eight Oscars and Gandhi to his name."

In January 1985, before South Africa became big news in this country, Wiland and I started writing a story for a screenplay involving white dissidents in South Africa. It was finished that year, but even though some top

rank actors have put their names to the film, and video distribution is assured, producers have struggled to raise the last quarter of the comparatively small \$3,5m budget. Other South African film projects that were rumoured to be set for production have never materialised. Politics is not commercially popular, whatever the country, says Wiland.

In Hollywood, which looks to the US audience first, South Africa is certainly not flavour of the month. It is tough enough to raise backing for political films about Vietnam or Central America, where the US has common history. Screenwriter Claudia Vagt, who wrote the final script for our film, says that events in America predicate the receptiveness of investors to foreign themes. America is going through a period of insularity, looking inward. In the post-Reagan years, the pendulum may swing back, she says, but the prospect of a flood of money from Americans to back films, plays or books about South Africa right now is unlikely.

If Pretoria can do something about the human rights problems which inspire the most damning images here, the climate may cool right down to normal.

Cheetah Haysom is a freelance journalist based in New York.

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. ATTENBOROUGH'S CRY

Sir Richard Attenborough's controversial film, Cry Freedom, is scheduled to be

shown in South Africa in April. Sir Richard

told Leadership he is surprised but delighted at government's decision, but that the film will be shown only if it is uncut and if it is screened to desegregated audiences throughout

the country. Reports that the film is doing bad

business in the United States are a total fabrication, according to Sir Richard. In an interview at his Richmond (London) home with Stanley Uys, Sir Richard explains his motives for making the film, declaring that it is meant to be an unequivocal attack on apartheid, but denying Boer bashing or that he is tarring all white South Africans with the same brush. He blames the South African Press for dubbing it the Biko film; it was never intended to be a definitive biography of Biko. If it had been a Biko film, it would have been a film of despair, because Biko was wiped out by a repressive regime. Sir Richard says: I do not view the situation in South Africa with total despair. But he is sceptical whether the film will actually be shown in South Africa. If the government can do a volte face on Govan Mbeki, he says, it can certainly do it to a mere movie.

Uys: Are you satisfied With the response to your film?

Attenborough: Critically, the response has been very good, although some reservations have been expressed about the film's structure. Audience reaction in the US, the UK and Zimbabwe has been extraordinary. At the end of performances the entire audience quite frequently stands up and applauds the screen. This is unique in my experience - I have never known it to happen before.

I have read the South African reports saying the film has been a disaster at the box office in the US and that we have had to withdraw it from hundreds of cinemas. This is total fabrication. The fact is that there are varying forms of distribution in the US. If you have a film in which you have little faith, you show it

in the maximum number of theatres and immediately - 1 000, 1 500, 2 000, cinemas - because you are not confident that the film will be popular. So you try to get as much money as you can into the box office quickly with a big advertising campaign and thousands of prints in circulation before the bad word-of-mouth can have an adverse effect. But if you have faith in your film, and believe it will build an audience, you do not do this.

Universal Pictures, the distributors of Cry Freedom, decided they would not use this first method, because they expected the film to receive a good word-of-mouth verdict. And in fact they have been proved right. Independent market research shows that some 93% of people who see the film say they will definitely recommend it to others. This is an exceptionally high figure, higher than Universal have ever known for any of their films. Having made the decision not to rush out thousands of prints, they then had two other distribution options open to them. One was to open initially in 20 to 30 cinemas and then go into 200, 300, 400 over the ensuing months. The other option was to do exactly what we did with Gandhi, which was to open on 70mm screens with a six track Dolby sound track, turning the showing of the film in a particular city into a major event, retaining it in that one theatre, and by so doing creating an aura around it. Then if the word-of-mouth is good enough, you are able, not in a few weeks but in two or three months, to start broadening out the distribution.

"I'hat decision - not to go on the first of the two alternatives â\200\224 was taken probably a month or six weeks before the film was shown publicly. Reports that we had withdrawn the film from 400 or 500 cinemas were simply not true. Far from feeling that we were in trouble, we were confident that this was the way - following the Gandhi pattern - that Cry Freedom should be shown.

For the first four weeks of its run, it

held the highest audience average per week, per screen, of any film currently being shown in the US. In Harare, the business has been phenomenal, although one would expect that. But here at the Empire cinema in London, it has been the number one box office film in the capital since it opened and looks likely to hold that position for a record number of weeks. Reports, therefore, that

Cry Freedom is not doing good business
are absurd.

Like Gandhi, Cry Freedom has aroused
strong passions. What is it about these
two films that provokes such strong
emotions, for and against them?

Both films deal with revered personalities
who have adherents - admirers, disciples,
whatever one calls them - who feel
protective, apprehensive. Those particular
people, however, have withdrawn their
criticisms once they have seen the film.
Nevertheless, others were angered by the
film's condemnation of colonialism and
subjugation. They find Cry Freedom too
outspoken in its unequivocal attack on
apartheid, and they have attempted,
unscrupulously in some measure, I think,
to denigrate the film, going to almost any
lengths to suggest that the views
expressed are incorrect or utterly biased.

[deny inaccuracies. As for attitudes, I
cannot deny that views which are the
antithesis of mine exist. I just regret that
there are people who still support a
government which I find abhorrent.

Could we look at the aesthetics of
the film? Some critics feel that the
two parts - one about Steve Biko
and the other about Donald
Woods - don't form an organic whole.
The Times said Cry Freedom has
serious structural problems and
The Guardian said there was a
structural imbalance. Do you
accept that you have produced a
broken-backed film?

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No. If I had started with the idea of making a film solely about Steve Biko, the result on the screen, in my view, would not have been successful. It was the South African Press, long before the film was discussed anywhere else, which dubbed it the 'Biko film'. I never intended to make a definitive biography of Biko. I suppose I am considered to be a 'white liberal' and I don't think it is appropriate for a white liberal to attempt such a task. When a definitive film biography is made, I think it should be made by black writers and directors.

. I had always intended to base the film on Donald Woods's two books, his biography of Biko and his autobiography, Asking For Trouble. Inevitably, there is a division with the film, particularly since the story of Donald Woods must continue long after the death of Steve Biko. The story is one of courage and commitment, demonstrated in dramatic form in the first part through the cruelly short life of Steve Biko and, secondly, by Donald and Wendy Woods's decision to flee from South Africa.

If I had made a film simply about the life of Biko, it would have made a film of despair - a film in which a repressive regime is victorious, in that it obliterates the brilliant young leader, wipes him out. I did not wish to make a film of despair.

I don't view the situation in South Africa as hopeless, one of the reasons being that there are still men and women in South Africa of extraordinary goodwill and commitment, epitomised for me by people such as Donald Woods. I wanted to tell the story of two human beings who, confronted by what they found to be abhorrent, were not prepared to stand by and condone it, but were ready to stand up and be counted, And say: What

I have witnessed is unacceptable in a civilised society. The one gave his life, the other gave up his career and, together with his wife and children, his country. I am sure thousands of people in South Africa feel the same, but have never been presented with the opportunity to put their convictions to the test as Woods did.

In the scene where police fire into demonstrating Soweto schoolchildren

- the start of the uprising on June 16,
1976 - the impression is created that

a number of pupils were killed;
whereas according to some critics of
the film, and they quote the SA

Institute of Race Relations 1976
handbook as their reference, at
least one pupil was killed,
13-year-old Hector Petersen, and
that after warning shots
apparently has been fired.

One of our researchers included a young
black boy who was in the front line of the
June 16 march. Another wrote a thesis on
what happened in Soweto. Our research
indicated that at least 25 people died on
the first day. When we filmed the scene,
I was adamant that we must not under
any circumstances show more children
being shot than we had evidence for. We
were told by blacks who were in the
demonstration that no officer ever gave a
warning. But a boy who was in that front
line, and who now lives in New York,
said he could not absolutely swear there
was none. There were also claims that
Hector Petersen might conceivably have
been killed by a ricochet from warning
shots fired at the ground. So, bending
over backwards not to overstate the case,
I decided to let the film indicate there
had been a warning.

In fact the first volley killed two boys -
Hector Petersen and Hastings Ndlovu.
The official death toll for June 16 was
initially put at three, then six and
subsequently raised to 23, of whom two
were whites. Press reports of casualties
for June 16, 17 and 18 were 97 dead and
1 005 injured, including 11 police. On
June 21, Justice Minister Kruger said in
Parliament that casualties for the first five
days were 130 dead, including two whites
with 1 118 civilians and 22 police injured.
A black students' organisation
spokesman described Kruger's figures as
a blatant lie. He said he and others had
gone to the mortuaries and noted the
numbers written on the foreheads of the
dead - 353 after the first three days.
Colonel Roos Swaneboom admitted
that he personally shot five demonstrators
on the first afternoon and his men a
further nine. Our film showed no more
than 18 casualties, dead and wounded,
during the first day.

There is also the allegation of Boer
bashing by your film. The Times made
this point. Not all South Africans, it
said, were ugly, cold-eyed,

unswervingly obtuse, pock-faced and sadisticâ\200\235, although it justified this portrayal on the grounds that it presented the â\200\234metaphoric face of the systemâ\200\235.

Everyone to whom I have spoken, who suffered at the hands of the security police in particular, said our portrayals were not an exaggeration. Indeed, some who have really suffered quite cruelly from police excesses, claim we underplayed their characteristics.

To suggest that we presented all white South Africans as being like these characters is just silly. Obviously, there are immensely benevolent, compassionate, understanding individuals - some may even be in places of authority. The film does not try to say that all South Africans are brutes. That would be stupid. The film deals with specific characters. Jimmy Kruger was what he was. And the security police chief who was involved with Donald and Wendy Woods was a brute. It is quite pointless to deny it.

And who is going to deny that the murder of Steve Biko - and even if not premeditated it was murder â\200\224 was at the hands of anyone other than a group of thugs?

Why did you make the film?

I come from a radical background. By the South African governmentâ\200\231s criteria, of course, this means someone who is financed by Moscow and carries a Communist Party card, which is not only ludicrous - and in my case totally untrue - but ridiculously naive. My parents were a socially conscious couple. For instance, they brought Basque refugee children out of northern Spain during the civil war when Franco was the dictator. They brought hundreds of German-Jewish refugees out of Germany. As a result of that my two brothers and I had two adopted German-Jewish girls as sisters. They were adopted in every sense other than that of legal adoption. "Tâ\200\231hey became absolutely part of our family, and they still are part of our family. I mention this simply to illustrate that in our household these were not just matters that were discussed after church on Sunday, but were part of our routine of living.

A lot of that brushed off on me. So, after 1948 when people here became acquainted with the totally new concept of apartheid, I too was intensely interested. I tried to learn something about it. In fact, I felt apartheid was so unacceptable that I attempted to make a

movie about it by buying options on
several books and commissioning a
number of screenplays way back in the 3
late Fifties and long before I had any J{;E

track record as a producer or director.

Incidentally, the first film I produced - was called The Angry Silence, which, the South African authorities may be interested to know, condemned subversive communist infiltration into trades unions. When came Ok /1 'hat a Lovely War, A Bridge Too Far, Gandhi, and so on. But it really wasn't until Gandhi that I became re-interested in South Africa - because, of course, Gandhi has spent the first 20 years of his adult life there, the subject of racial intolerance. Until Donald sent me his two books, I hadn't contemplated picking up the idea again. But after reading them I decided there was a film to be made.

Some people would say this simply presented you with an opportunity to pillory South Africa again.

Yes, they have asked: Why, for God's sake, are you making a film attacking the South African government? What about Russia or South America or other parts of Africa? My reply is that historically we have presumed that those who govern South Africa are men of reason, conscience and justice - men from whom one was entitled to expect that these elements would be embedded in the way they govern their country. What in my opinion makes apartheid unique, and as such obscene, is that it is a system enshrined within the law which determines the rights, the opportunities and the future of its citizens solely on the basis of the colour of their skin. This is surely unacceptable in any civilised

, society, and it is this fact which persuaded me that I should do something about it - that I should not condone it by my silence and, since I happen to make movies, that is the way I am able to express my convictions.

A South African reviewer said of Cry Freedom: It is surely the biggest-budget, widest-angled, most-marketed anti-apartheid statement the world has ever seen and is likely to see for some time...an advocacy film through the eyes of an artist. Is this a compliment?

Well, I take it as such. Obviously, the phraseology is flamboyant, but the film is meant to be an unequivocal attack, couched in terms of the medium in

which I work - the cinema. It is meant
_to be as powerful a statement as I can

create, within the concept of mass
entertainment. 'The film is not intended
to be shown in an art theatre to two men
and a dog. It is not only for the converted
either. It is meant to reach people who
are unknowing, and possibly uncaring
and to ask them: Are you content to let
this situation exist in a civilised world
without raising your voice in protest?
That is what the film is meant to do.

One of the British Press reviewers
described the film as 'a triumph for
naïve liberalism'. It failed, in his
view, to show the complexity of
black politics, managing only to
present them in a 'sanitised,
prettified, simplified way to suit
naïve liberal tastes'.

That was the Sunday Telegraph, wasn't it?
Well, as Mandy Rice-Davies said: they
would, wouldn't they? Critics so often
don't criticise what the person making
the film, or writing the book, set out to
do, but put forward some idea of their
own about the content or form that was
never intended to be there anyway. To
have dealt with the complexities of black
politics in this film would not only have
been difficult, but well nigh impossible.
It is not that we were unaware of black
politics; of course we were aware. But it
was just not part of the subject matter, set
in the late Seventies, that we were
tackling. 7
What is your opinion regarding
sanctions?

Until the recent past, I have been
equivocal, but I believe now that the
intransigence of the South African
government's attitude in relation to any
form of discussion and consequent
negotiation with major black leaders
results in there being no alternative.
Surely the situation is becoming daily
more critical. Government's use of
military force inevitably provokes further
violence, and somehow or another, the
rest of the world has to persuade
President Botha that urgent consultation
is the only way of avoiding the holocaust.
Sanctions may or may not be successful
in doing so but in my opinion they must
at least be tried since the alternative
facing everyone is too terrible to
contemplate. A

Are you surprised by the South
African government's decision to

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allow the film to be shown in the
country?

Surprised and delighted. The Censor
Board, which announced the decision,
claims it is autonomous and is not
influenced by government. But I don't
know whether the decision was endorsed
at a higher level or whether it will be
repealed as time passes.

From personal experience, I believe
there are still vast numbers of people in
South Africa who are not yet fully aware
of the effects of apartheid and so I do
hope that they will be able to see the film.

But the conditions are, firstly, that
Cry Freedom must be shown totally uncut,
absolutely uncut, and, secondly, that it
must be shown in desegregated cinemas
throughout the country. And I don't
mean cinemas in a white area 10 miles
from where blacks live, with the
requirement of a permit to be in that area
after 6pm. The cinemas must be really
desegregated. It is our company's
intention actually to designate the
cinemas where we wish the film to be
shown. If it is reported back to us that
one foot of celluloid has been cut, or that
the desegregation is in any sense
cosmetic, we will remove the film from
South Africa immediately. We will
withdraw it that night from every
cinema.

I dislike cynicism, and I am somewhat
perturbed at feeling cynical about the
South African government's decision to
allow the film to be shown. But with the
State of Emergency, how can one rely on
statements made in South Africa when
you see what has happened to Govan
Mbeki? Mbeki was released,
unconditionally as he understood it, after
20-odd years in prison. He was given the
right to address a rally by a particular
authority. A totally different authority,
without granting him recourse to appeal,
suddenly decided that the rally should not
take place, and a few days later, he was
banned.

What crime had he committed which
persuaded government to do a total volte
face and go back on its undertaking? If
they behave like this to a veteran figure
such as Mbeki, why would they hesitate
for one moment in being just as ruthless
over a mere movie? -

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Laurie Ackermann

- The expression 'human rights' is both tautologous

and a little obscure. At the present stage of our legal

- development, and with the exception of artificial per-

sons such as companies and the like, only human beings are the bearer of rights. Human rights refer, however, to a special category of such rights, namely

those regarded as fundamental and basically inalien-

able and which are essentially claims against government. During the past four decades particularly (though not exclusively) systematic and serious statutory and other inroads have been made into these rights in South Africa. The degree and duration of this encroachment has reached a significantly high level. If a fundamental reversal of direction does not take place soon, serious irreversible harm might well

- be occasioned to the fundamental legal fabric of this country, whose modern common law, rooted both

in Europe and in the United Kingdom, has a proud tradition of fundamental rights and freedoms. We are in danger of destroying permanently (or at least for several lifetimes) some of the most valuable norms characteristic of so-called Western civilisation.

On September 1, 1987, I embarked on a new career as the first incumbent of the newly created H F Oppenheimer Chair in Human Rights Law at the University of Stellenbosch. When I announced my resignation as a judge of the Supreme Court of South Africa in order to accept this chair I motivated my decision on the basis that it afforded me a unique opportunity to devote all my time and energy to the cause of human rights which, I said, was 'the most important legal issue facing lawyers in the short, medium and long terms' in this country. I had by that time studied law for seven years (five at Stellenbosch and two at Oxford), practised as an advocate for 22 years and had served as a judge for more than seven. I had no previous academic aspirations.

My resignation was not premised on the view that there was no place in the judiciary for persons who believed in the importance of advancing human rights. Barring wholly extreme situations, judicial

office will continue to afford such opportunities. My

concern was at a deeper level. Our present constitutional dispensation, despite its many controversial innovations, still rests firmly on its historical foundation of parliamentary or legislative supremacy, but without the historical, cultural, political and sociological 'checks and balances' of the 'Mother of Parlia-

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mentsâ\200\235. Our Supreme Court does not have the power to overrule statutes which have been passed by Parliament according to constitutionally prescribed procedures. Its role is essentially interpretative and only in the case of ambiguity can it give (if so disposed) a pro human rights construction to a statute. Provided it did so with unambiguous clarity, Parliament could notionally, if it wished, exclude the functioning of the conventional courts altogether.

It is against this constitutional backdrop that I, as a lawyer, see the black/white conflict. Legislative supremacy has enabled the white minority (and only part of this minority at that) to withhold from the black majority fair and just participation in the political process and other fundamental human rights as well. It is this same legislative supremacy which lies at the root of white fear, the fear that black majority rule (however structured) will inevitably lead to the destruction or oppression of the fundamental human rights of whites.

Blacks, with growing international support, will not give up their aspirations. Government, with a powerful and sophisticated military machine and increasing control of the media, will not lightly jettison its fears. The stage is set for a long war of attrition with the â\200\234winnerâ\200\235 saddled with an economic wasteland and most civilised values shot to pieces.

In this way the legacy of legislative supremacy has created a self-perpetuating conflict between legitimate black aspirations and understandable white fears. This cycle must be broken and it is my conviction (hypothesis in academic terms) that, in the South African context, this can only be done by means of a constitution which entrenches a comprehensive bill of rights (including the right of full, fair and equal political participation) and which confers a comprehensive right of judicial review on the Supreme Court. Only when this happens can the judiciary play its full and proper role in the field of human rights.

Another paradox calls for comment. The present minority government proffers a plea of necessity, namely the preservation of civilised, Judaeo-Christian inspired standards against an atheist, non-civilised, Marxist/ Leninist onslaught, as a justification for the abrogation or curtailment (both on an emergency as well as on a permanent basis) of various fundamental human rights including, for example, freedom of speech and due process of law. In doing so it uses

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JAC DE VILLIERS

.LEADERSHIP

- HUMAN RIGHTS

A tragic and
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this very same.

type of harm.

methods which parallel those employed by its advers-
ary. One wonders for how long a people can, in
psychological and sociological terms, endure such
an abrogation or curtailment of fundamental values
before permanent damage to society is caused? Thus
the tragic and paradoxical picture may emerge of a
people causing itself severe permanent harm in order
to protect itself against this very same type of harm.

In 1976, Professor Ronald Dworkin, professor of
Jurisprudence at Oxford, delivered the eleventh
Richard Feetham Academic Freedom Lecture, dur-
ing which he referred to a pamphlet called â\200\230â\200\234â\200\234T'he
Open Universities in South Africa and Academic
Freedom, 1957-1974"", which summarised those sta-
tutes and practices adopted by the South African gov-
ernment â\200\234â\200\230that violate centuries of consensus in the
West of the minimal standards of procedural justiceâ\200\235.
In his lecture Professor Dworkin recounted how he
had read to his students, without identifying the coun-
try, a description of the statutes and practices des-
cribed in that book. He had asked his students to.
identify the country, telling them only that these
rules were enforced in some country. Dworkin des-
cribed his studentsâ\200\231 reaction thus: â\200\234Every hand went
up, and the verdict was unanimous. â\200\234Those are the
rules and practices of the Soviet Unionâ\200\231!â\200\235â\200\235 With
Dworkin one can but plead to the powers-that-be in
this country that â\200\234it cannot be right to gppose an alien
ideology by marching towards itâ\200\235.

At the root of the paradox lies the fact, which is
also the juridically weak link in governmentâ\200\231s plea
of necessity, that the system being defended is not
representative of the majority of the people. It is idle
to speak of fundamental human rights, or of civilised
western standards, while ignoring the fact that fair
and equal political participation is such a fundamen-

tal right and is a corner stone of all civilised western political systems where the will of people is the basis of the authority of government. This is also recognised in the various international and regional human rights instruments. The South African government invokes the defence of necessity to protect itself, while opponents invoke the same defence to gain political rights.

The European Convention on Human Rights permits a High Contracting Party to take measures derogating from its obligation under, for example, the due-process articles of the Convention in time of war or other public emergency threatening the life of the nation²³⁵. One of the requirements evolved by judicial interpretation is that the effects of the public emergency must involve the whole nation. In a case brought by Denmark, Norway, Sweden and the Netherlands against Greece before the European Commission of Human Rights, the Commission expressed the opinion that there was not in Greece on April 21, 1967, a public emergency threatening the life of the nation. One of the points raised was that the threat was not against the whole nation but against the minority government of the Colonels²³⁵. How would the South African government fare in

such a debate?

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A bill of rights entrenched in a higher constitution²³⁵ with a right of judicial review entrusted to the Supreme Court is, according to my thesis, the way out of the present dilemma. Only then can the courts play an unshackled and truly creative role in the development of human rights. But a note of warning: a bill of rights is no simple panacea, no stage producer's deus ex machina.

If one believes that enduring stable government, quite apart from just government, ultimately depends on the consent of the governed, then a bill of rights cannot simply be imposed from above. A bill of rights will only endure if the rights so enshrined are instinctively and intuitively felt to be binding at a deep ethical level by a substantial majority of the governed. There is no universal, immutable bill of rights blueprint which one can assume will work in all situations. Certainly there are fundamental features common to all, but the precise composition, balance, form and texture of any particular bill must be fashioned by the particular peoples involved, at a specific time, and in the particular prevailing socio-economic context. One of the inter-disciplinary fields which needs to be explored is the sociological foundation of constitutional legitimacy. For this to succeed one would require, *inter alia*, reliable data concerning the true views of all South Africans on this issue. Sceptics are quick to refer to constitutional failures elsewhere in Africa, as though such failures must inevitably be elevated to a paradigm for all Africa. These failures need to be carefully analysed and the lessons gleaned applied to this country.

Is it possible, one asks, to establish sufficient common ground and values to support a viable constitution, centred on a bill of rights, of the type under discussion? Encouragement can responsibly be found in the progress that international human rights have made since the Second World War.

The chorus of criticism which derided the idea of international human rights, in the words of Bentham, as "nonsense upon stilts" has subsided. In practice a universal, international human rights ethos has developed. Often this has occurred for political or other hidden motives. There has, at times, been more than just a little hypocrisy, but even hypocrisy can play an unintended constructive role because it is, after all, "the homage which vice pays to virtue". The Third World, and particularly the African states, cannot with impunity conduct a concerted campaign, over decades, against human rights infractions in South Africa without in the process recognising and being held to accept the fundamental validity of human rights. Human rights have become universal and reality has often simply overtaken theoretical objection.

Even socialism has had to accept limitations on government and concede certain political-civil rights, while traditional capitalist-libertarian states have recognised that fundamental concepts of justice require economic and social welfare for all as of right. While

proposition that capitalist development is more like-
socialists will not openly agree with Peter Berger's

ly than socialist development to improve the material standard of life of people in the contemporary Third

World, including the poorest groups, some of the socialist myths are being quietly abandoned.

Although the Judaeo-Christian tradition has played a significant role in the development of human rights, similar fundamental values are to be found in the other major world religions, philosophies and literary and poetic traditions. Ultimately one believes in fundamental human rights because one believes in the fundamental uniqueness and equality of human beings, the fundamental humanity of men and women, whether one be a Jew, a Christian, a Moslem or an agnostic humanist. I here must surely be sufficient common ground in this regard in South Africa on which to base a genuine bill of rights,

Loose and superficial talk of human rights or bills of rights can be dangerous and counter-productive. A genuine bill of rights cannot exist in harness with the Population Registration Act (and the deprivation of political rights flowing therefrom), the Group Areas Act or the Internal Security Act, to mention but three of the worst statutory offenders against human rights. This is not to say that much cannot be done to improve the human rights condition in South Africa even without a bill of rights. But I am convinced that to call something a bill of rights which is forced to accommodate the above statutes will debase everything that a bill of rights stands for, and dangerously retard progress to constitutionalism and the re-establishment of the rule of law.

One can but implore those who insist on 'using the term group rights' to define with absolute clarity what they mean so that we may at least be spared Orwellian newspeak obfuscation. There are indeed particular human rights such as, for example, language, cultural and religious rights which, by their nature, can only or best or fully be exercised in community with other adherents of such language, culture or religion. Such rights, and the rights of

individuals to exercise these rights in community with others, are indeed recognised in the international human rights instruments. So, for example, Article 27 of the International Convention on Civil and Political Rights expressly protects the rights of persons in community with other members of their group, to enjoy their own culture, to profess and practise their own language, or to use their own language. But, it must be stressed, these rights are protected as individual rights. If this, and only this, is meant by the current use of group rights in South Africa, there can, in principle, be no objection thereto. If, however, the protection of group rights means the entrenchment of existing privileges and restrictions (spawned by discrimination and based on statutory race or ethnic classification) such as, for example, superior residential areas, superior government schools, superior hospitals and so forth, such a concept would be wholly at variance with universal, international, human rights norms. I

The most difficult issue to address, and the one which will demand the most innovative thinking, is

how to redress the ongoing effects of past discrimination even when particular statutory discriminatory measures have disappeared from the statute book.

The issue is controversial, even in the USA, where the phrase "affirmative action" was coined. It was President Johnson who said:

"You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say you are free to compete with all the others and still just believe that you have been completely fair."

All are agreed that past discrimination has self-sustaining present and future effects. Controversy rages around the remedy and particularly the question whether it is ethically permissible to employ additional race-conscious or sex-conscious measures to effect such redress. The topic is too complex to discuss here. One thing is clear, however; vast sums will have to be spent in the future on education, training and additional measures to integrate into the economy those who have suffered discrimination. If one wishes to maintain a relatively free capitalist economy, steps must be taken to make it genuinely possible and worthwhile for those discriminated against in the past to participate in it beneficially. Economists tell one that the very minimum affirmative measures necessary will require an economic growth rate which is virtually impossible without a massive injection of foreign capital. There are two opposing delusions: on the one hand that no additional remedies are necessary; on the other hand that we possess a large, rich cake and need only a knife to divide it profitably for everyone. A leader in the business community put it on the basis that a "quantum leap in economic thinking" is necessary.

"The above are some of the challenges which the Human Rights Chair at Stellenbosch must face, quite apart from bringing home the extent to which human rights have been abrogated and the serious danger this poses for the quality of national life. Although the contribution of the chair will, in the first instance, be made in the context of the law faculty, it is clearly envisaged that the input will not be limited to this faculty but will extend to the wider university community. "I'he human rights challenge can only be met effectively if skills are assembled on a broad front. Indeed, an inter-disciplinary approach is essential if one wishes to avoid ending up in too many blind alleys. In essence, of course, one wishes to bring home the universal character of human rights, their inclusive nature and, in particular, the fact that they are strongly rooted in our common law.

Whatever theological, philosophical, legal or economic context we argue from, we must come to realise the necessity to commit ourselves to fundamental rights and that our common future can be established only by protecting human rights and not power alone. &

LEADERSHIP
HUMAN RIGHTS

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WITBOOI'S GIBEON

Photographs by Eric Miller and text by Tony Weaver

Imagine a place so empty, the emptiness begins to move.

Such a place is Gibeon, named for the place in the Bible where the sun stood still. In November, the Namib burns; sudden dust storms slide across the horizon, ripping the earth as they go. The heat is a blanket which cannot be shoved aside. Horsemen appear in

the dust, riding hard and sharp like guerrillas |
from a forgotten war, wearing white hats and stiff clothing. The year is 1987.

Nine hundred kilometres to the north, Africa's most powerful conventional army is entering the 21st year of a war against Swapo. Here at Gibeon, surrounded by the desert,

Pastor Hendrik Witbooi, vice president of |

Swapo and Captain of the Witbooi, speaks to his people in commemoration of another, older war, against the forces of Imperial Germany.

"The struggle we are waging today," he says, "is only a continuation of the struggle of our fathers. We do not want war but we have to resist. Our grandfather died struggling for freedom and independence." Pastor Witbooi's grandfather was Captain Hendrik

' Witbooi. When General Lithar von Trotha, the German commander, heard of Witbooi's death from battle wounds on October 29, 1905, he said: "Nothing could have been more uplifting than this message."

Now, each year, the Nama wars of resistance and the death of Witbooi are remembered at Gibeon, and the people are reminded of their history. Pastor Witbooi respects history: "It has to be written by the people themselves, so we ask the old people about

the real history." That history includes the Swapo's roll of honour: Witbooi, Morenga, Mabharero, Andimba, Toivo ja Toivo, and yes, Nujoma.

Witbooi, the barefoot guerrilla who led the Nama revolt against the Germans from its early stages in 1893 to his death in 1905. Jakob Marenga, the fugitive master of guerrilla warfare who said of the Germans in 1904: "They cannot fight in our country; they do not know where to get water and they do not understand guerrilla warfare."

"And Samuel Maharero, the Herero king
who wrote to Witbooi in 1904: ... let us
| die fighting.

The wars were terrible and brutal: 64 870
of 80000 Hereros, and 10220 of 20 000
Namas, were exterminated; 9 680 died in
concentration camps, 1 030 of them in Shark
Island prison.

Today that history is alive and integral to
the war Swapo fights to the north; it is a
powerful strand of a resistance which, accord-
ing to Pastor Witbooi, is not dependent on
weapons but on the will and strength of the
people. If you have the people behind you,
that is more powerful than any weapon. Six-
teen years ago in Guinea Bissau, another bare-
foot guerrilla, Amilcar Cabral, put it this
way: Our people are our mountains.

That was why the Germans could not win
their war; it is why South Africa's presence
in Namibia is likely never to be more than a
holding action. And that is the history that
the people of Gibeon are taught when they
gather once a year in the dust of the Namib

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The Nama gather to commemorate their war
against Imperial Germany.

where the sun stands still. \

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