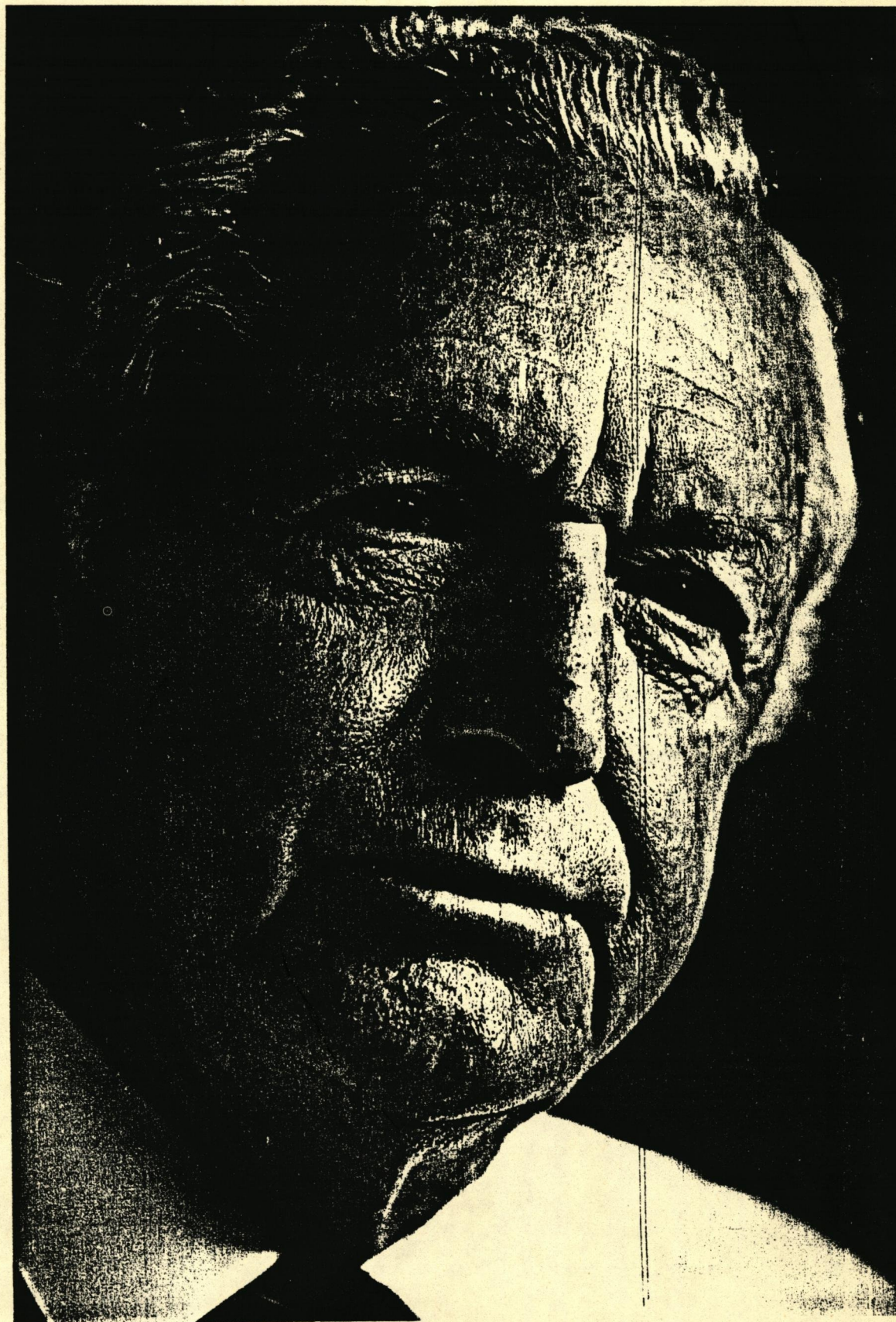


ARMAG-LEADSH-11-2-5

LEADERSHIP

VOLUME SIX 1987 NUMBER SIX



DAVID GOLDBLATT



CEDRIC NUNN

ARCHIE GUMEDE

Bell: Over 200 people have died in fighting between UDF and Inkatha supporters in Pietermaritzburg in recent months.

While it could not be expected that

the respective leaderships should agree on issues of principle, surely it is incumbent on them to meet, to say the violence and the killings must stop?

Gumede: Well, you are looking at a very loose federal structure in the UDF; the affiliates are totally autonomous, they operate in their own communities. The UDF itself does not have the machinery to supervise the activities of its affiliates.

While the UDF may not have executive authority over its affiliates, that sounds like a bit of a cop-out. I am asking: should the leaders not get together to stop this, and you are saying your leadership is not in a position to do this.

No. I am saying the UDF leadership is very widespread and one has to get the agreement of the whole leadership. With Inkatha it is different; yes, one could go directly to Mangosuthu Buthelezi. But this merely reflects the difference in the construction of the two organisations.

But is this not a weakness in the UDF? The organisation certainly has the image of being one to which people look for guidance and leadership.

Yes, they look for guidance in the sense of political theory; let me put it that way.

But not in terms of executive action.

Well, look at some of the things that have happened in the past. For instance, even a senior affiliate, the Release Mandela Committee in Johannesburg, refused to take part in the Million Signature Campaign. As a result, the campaign never took off in Soweto.

So your answer to the question, "Can you sit down with Buthelezi and say, 'How are we going to sort this out?'" would have to be: "No, the structure of the UDF doesn't permit it without a mandate."

Correct. I sought a mandate for the

establishment of a monitoring committee.

The attitude was (*Gumede reads from a UDF memorandum*): "The UDF affiliates were particularly insistent that while the UDF is in principle in favour of discussions and negotiations about ways to resolve violence presently being directed against our people, any such discussion must occur within a properly structured democratic framework. In this regard the UDF prides itself on the fact that before decisions are taken by the leadership, very wide consultation is undertaken with affiliates at all levels. Such consultation is a problem and very difficult given the fact that the South African government, the KwaZulu government and Inkatha have in various ways restricted the opportunities available to our members to meet, discuss and deliberate on various issues." So you have an excuse for the fact that no firm reply has been obtained from the affiliates, because objective conditions did not permit free discussions.

It remains unfortunate that there is no direct means for the leaders to come together and resolve this situation fast. In the meantime, people are dying.

The problem is the attitude of some of the people involved. For example: "My brother has been killed. I am not going to trust or look at the killers of my brother and say it is over." Then there is the attitude that Inkatha is not a legitimate organisation and is using violence to establish itself, therefore it is not proper to accede to a request for talks with Inkatha because that will legitimise Inkatha, give it prestige at a time when it is losing community support.

You might as well substitute the word "government" for "Inkatha"; the same sorts of arguments would be used in those quarters to justify not talking to government, not so? Is this practical? Is it getting anywhere?

Personally, I don't think it is. That is why, when people came to me as victims of attacks, I called on the Inkatha leadership to tell their members not to continue in this way, and called on our people in the affected areas to undertake not to use violence against Inkatha. But then, of course, when people in responsible positions in the movement are very much convinced that those arguments are the correct line, I can't do

anything about it. I have in the past been accused of acting in such a manner that the UDF will split on this question but I don't see that it is quite in order that this sort of feeling should continue for political gain. I can't see it that way.

Let us move that out of the realm of violence and into that of discussion within the movement on different strategies. Is the UDF sufficiently democratic to accommodate differences of opinion and discussion of them?

Looking at the ordinary members of the affiliates, I would say so, but I have to take into account that there are activists who are radical and influential, very influential. They are flattening that sort of action. Recently I met with youths in one of the townships. We were talking about this very violence. I found there were rife arguments about splitting the UDF. When I pointed out that the attacks were in the black community, that no people in white townships were victims, and that therefore we had to look for the answer in the black townships, I was told I am a racist. Some agreed with that accusation, others didn't. I found people at leadership level in that group very much more inclined towards, should I say, coercing others to comply with their requests and understanding.

Is this element of coercion not dangerous for the establishment of a democratic society?

I certainly believe it is. My only concern is this: why can't more people opposed to that type of attitude come forward and get into the movement? Because if they don't, the people who will take the leadership position will be those who believe in coercion. For instance, there have been those who said, if a stayaway is called, anybody who does not stay away is an enemy of the people and therefore would be overrun, should be dealt with in that way. It doesn't matter if the person knows or doesn't know, but if he does not do what they want he must be . . . Well, the expression I heard used was that he must be steamrollered and run over. That is talk that is somewhat popular with some people who feel they are in a position to coerce people into doing what they want done.

Do you see this coercive attitude as a result of apartheid inasmuch as so

ARCHIE GUMEDE

many natural leaders have been raked off by detentions, bannings and imprisonment that leadership, certainly at ground level, is passing to less experienced people more prone to violence as a result of their experiences?

That is a fair observation. It was reported to me recently that, in one township, a youth leader was detained in a police raid and he lost his firearm. Somebody picked it up and gave it to someone else to look after. There was nothing to pin on this young man so he was released. On his release, he comes back and wants his firearm. The number of people who got a hiding for that firearm you can't believe. The firearm was not found. Apparently, somebody had stolen it from the person who had hidden it. This youth used all the methods the police use in extracting confessions, so much so that people admitted things they had not done. With this thing we are in a very difficult situation.

Surely this sort of thing is inimical to the interests of a future democracy?

Certainly yes. Instead they are fighting. That is the very thing we are opposed to. We have suffered this much because we are opposed to being steamrollered, run over, by the white government.

Should the black Left still insist there can be no truck with government-created institutions in terms of using those as forums in which to press for change?

I was very interested to read the following in this draft of a reply to Buthelezi recently: (*Gumede reads from a UDF document*): "You are aware that the democratic movement has never had any difficulty in working with people operating within the political structures set up by the apartheid regime. Our watchword has always been to build unity in and through action. We remain convinced that our victory demands the unity and action of all oppressed people and patriotic and democratic forces of our country, whatever their organised strength and regardless of secondary differences they might have among themselves on questions of policy, strategy

and tactics. We shall therefore continue to work for this unity as a fundamental prerequisite of our victory. We are, however, equally convinced that all these forces must direct the attention of their case on our common enemy – the apartheid regime and its imperialist allies – and at all costs avoid the fratricidal strife which the enemy seeks to provoke and abet. The case of Sabata Dalindyebo (*a Transkei chief forced into exile by the Matanzimas during the Seventies, who later fled to join the ANC in Lusaka*) is now a matter of history. To all the struggling masses of our people, Sabata died a hero. In the mid-Seventies there was no problem in supporting the struggle of the Labour Party to destroy the Coloured Representative Council from within, nor has there been any contradiction in UDF sharing a platform with Enos Mabuza of KaNgwane." Does this give you an answer?

If I read it correctly, it is saying that where necessary, in terms of the ultimate objective, you are prepared to have dealings with those operating within the system. How, for example, would that influence the UDF's attitude to Labour now that Hendrickse has left the Cabinet and the party has apparently toughened its stance? Would you look more favourably on some type of co-operation?

If, for instance, Labour came out and demanded the release of political prisoners and refused to pass the Budget until that happened. That would show that Labour had ceased to collaborate with the government, and consideration could be given to co-operating with it.

Is this notion, or that of any form of participation in Parliament, in the UDF's pot for discussion?

No, they are not. Other matters have impinged on our attention so we have not been able to really get down to discussing it. Any discussion will depend on how the government handles its own programme. Where its programme has the effect of creating crises, we cope with this crisis and move on. I would like very much to have discussions on these matters, and on the question of the coercive attitude, but we cannot do it until there is sufficient time to do so.

Can the UDF hope to make progress

while it remains committed to shunning approaches from government because the leadership is in jail or in exile?

The corollary to that question is: can the government solve its problems without talking to the leaders? This is not a problem which affects us only; it affects the State too. There must be a desire on the part of both to talk. And the only people worth talking to are those who can deliver the goods. Now, it's no good me pretending that I can deliver the goods when I am not able to control 10-year-olds. We had a discussion with Inkatha the other day. Their complaint to us was this: "How can you send little children to come and talk to us because these children will not be able to deliver. They will make promises, but will these hold?"

You see, we say the only people we believe can make a meaningful agreement are these men, the ones in jail. Mandela, Sisulu . . . they are the only ones who can get the people to compromise on any material issue.

All too often this appears simply to be a demand, rather than a practical acknowledgement – as I understand you to be saying – that the UDF and other similar leadership movements and individuals cannot deliver.

It is not merely a demand, it is a matter of fact. I don't care who among our people who are outside pretend that they can get the people. Buthelezi has an army, a million people and so forth, and you see what is taking place in the townships. His men use force, and still the situation cannot be controlled.

While there is little doubt that the UDF's preconditions to negotiation are morally beyond question, is it not equally responsible with government, each for asking the impossible of the other?

Even as a national president I cannot say the UDF would accept this or do that.

Can the UDF be pragmatic?

There is scope for Mandela and Tambo to be pragmatic, but not for the UDF. Morobe can't do it, nor Valli. Yunus Mahomed can't do it, Kenny Ndlovu can't, nor Billy Nair. They'd be deceiving themselves if they thought they could. It doesn't matter how much longer we carry on but there is only one thing that worries

ARCHIE GUMEDE

us – the death of these people (*Mandela, Tambo, Sisulu etc.*).

I know Tambo, he is amenable to reason.

I know Nelson, Nelson is a little more difficult but Tambo can influence

him. I know Sisulu and Kathrada. Now when you look at these people, these are not men who bear hatred for others. When they put into the Freedom Charter, right at the beginning, South Africa belongs to all its people, black and white . . . can you say anything more pragmatic than that?

While you would not presume to speak for these men, do you believe there would be scope for pragmatism in a negotiation between them and government?

Chief Luthuli said: I will settle provided I am on a course that leads to the goal and not to the siding. Or words to that effect. We would not negotiate up a cul-de-sac; where government says: well, you are going to have your own *bunga* (legislative assembly). Then negotiation is out. What could have made a difference was the old Native Representatives Council, in that it envisaged a national platform from which action could be taken which could possibly come into the main stream.

Does the same reasoning not apply, then, to the proposed National Statutory Council?

No; 1948 and 1988 are totally different periods. In 1948 there was not a single free country on the continent. Those circumstances have changed so completely that for people today to accept subjection would be totally out of the question.

But the NSC has been presented as a forum in which a constitutional settlement can be negotiated. If government proceeds with it, surely the UDF must ask itself whether it should not be used, not by way of endorsement in that case but only to point out to government that it is on the wrong track?

Time is against us. If there were still time it would be okay. In 1948 or 1960 it could have been done, but today it is out. The only people you will get there are those rejected by their own communities.

So where does engaging the system begin and end?

Engagement begins where government or its representatives are seriously considering the interests of the black people, when they begin to recognise blacks as people and begin to address themselves to them. I wonder why people recognise that in travel you have jets when you had oxen, but still believe that television and radio have had no impact on the thinking of black people. Modern communication has spread ideas which took a long time to develop.

So where government might argue, as did a member of the Cabinet in the last issue of *Leadership*, that the Third World component of our society is still a long way from being able to cope effectively with Western-type democratic political processes, you would reply: "Nonsense!"

Absolutely. Industrialisation and urbanisation have changed all that. Go to the factories or the mines where the workers are. Look at the miners. Did you not find that when the decision had been made to go back to work, back they went. Strike – they went on strike. Agreement – they accepted it. The people understand democratic principles; this is not something new to them. Moshoeshe built a nation out of refugees and everything the Basotho did was by consensus.

Government is intent on developing a constitutional future based on groups but this is rejected by the progressive movements. Whites nevertheless will have to be offered some guarantee that individual rights at least will be safeguarded in a new democratic dispensation. Do you think a bill of rights could be a useful mechanism in this regard?

There can be nothing wrong with a bill of rights which guarantees the rights of the individual. I am not interested in guaranteeing the privileges of groups, but as far as the right to life, limb and property are concerned, I don't see that any society can deny that to its members. A bill of rights is the best mechanism I can think of for protecting individual rights. Nevertheless, the UDF has not yet taken a position on this. The Emergency and detentions have interrupted the process of discussion in the organisation. They made such

discussions difficult, made them become almost academic in the sense that we had more immediate issues to deal with.

It seems that, in any discussion of a new society by the progressive movements, more time is devoted to a critique of the present system than to the presentation of alternatives. In the meantime, people at large have distorted perceptions of what a new South Africa might look like.

I agree. This is a situation which I cannot say is avoidable in our particular circumstances. We are on the run, and trying to be creative at the same time. I honestly become very worried, though, that sooner or later we are going to find ourselves in a real jam, because people do not have sufficient time to think, to discuss the various issues and possibilities.

Is there any practical means of breaking the current deadlock?

Well, this was given to P W Botha when he got the vote of confidence of the white electorate. In his hands was placed the key; he used that expression himself. Now I think that people have confidence in his courage and his judgment. It is up to him to grasp the hand of friendship extended by Mandela and those leaders who have the confidence of others. I want to emphasise, though, that the solution does not lie in Mandela and such men alone, but in the working together of the people in whom whites have confidence and those who have the confidence of blacks. In that situation you could really have hope that the future is well worth looking forward to by all the people in the country.

Many argue that a negotiation process should start from the bottom up to give it a better chance of working. Your appraisal seems to be the reverse: bring out the leaders and put them together because only they can deliver.

Yes, so that they can tell their people: please don't do this. The real leaders are not like the UDF leaders. I can't go to Port Elizabeth and say: "Port Elizabeth people, don't do this." They'd laugh at me.

THE SCREENING OF SOUTH AFRICA

Cheetah Haysom

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, *mbaqanga* and cries of Amandla! chorused through the Mitzi E Newhouse Theatre at the Lincoln Centre where the musical *Sarafina* is sold out every night.

Cry Freedom, the \$21m film by Sir 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, 1 000

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

Attenborough and the former editor of the East London *Daily 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 *tour 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:
Kevin Kline as
Donald Woods.

Below:
Denzel Washington
as Steve Biko.

IMAGES

was something. I could do to change things there, I would do it." 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 – "excellent". But does that translate to action – Americans urging their congressional representatives to support trade sanctions, or lobby for shareholders' 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 "climate" 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 "colossal". But he doubts that this film will fulfill Woods' ambition of galvanising Americans to action, partly, he says, because Americans are fair. "They have judged this film for what it is."

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. "The 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."

These "small pieces" 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 "people's attitudes are more easily reached through their emotions than their intellects".

So, though the pictures that are "worth more than a thousand words" 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

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 mimsymamsying 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 *Sarafina*, 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-racistist 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-

IMAGES

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 TV 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-

yond typical middle-class socially-conscious blacks and whites, to a broad spectrum of music lovers, many newly introduced to *mbaqanga* - 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 *mbaqanga*, 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 "blacklist", 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 "the genuine representatives of the people" in all forms of human activity "should be supported and encouraged, not boycotted". The UDF followed with a statement that performers would be exempt if they met certain criteria, including "advancement of the national democratic struggle".

The Simon issue raised the anger of the ANC in New York, where the head of the Cultural Committee, Temba Ntinga, says Simon's efforts were exploitative and mercenary. Ntinga came to the US in 1977 in the cast of Salaelo Marede's 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 "misrepresentations" and will arrange pickets if necessary. The ANC-inspired pickets outside theatres housing *Ipi-Tombi* in 1977, and *Umbatha* 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 "small pieces" of the South African story, coming simultaneously, can turn the "climate" that Streeter refers to into a heat wave. The response of the South African Embassy has been, in the California sense, "cool" - a change from the bluster and *braggadocio* that has sometimes characterised Pretoria's 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 "positive information" 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 America's "hot button" - 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,



BOSCHENDAL BRUT:

**A CELEBRATION OF THE MÉTHODE CHAMPENOISE.
ITS RICH COMPLEXITY WILL ENLIVEN THE PALATE.**

DEDICATION TO THE MOST INTRICATE METHOD OF WINE PRODUCTION. THE TRADITIONAL
MÉTHODE 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.



BOSCHENDAL

WHERE THE FRENCH HUGUENOTS FIRST GREW WINE.

L E A D E R S H I P IMAGES

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.

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.

That decision - not to go on the first of the two alternatives - 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

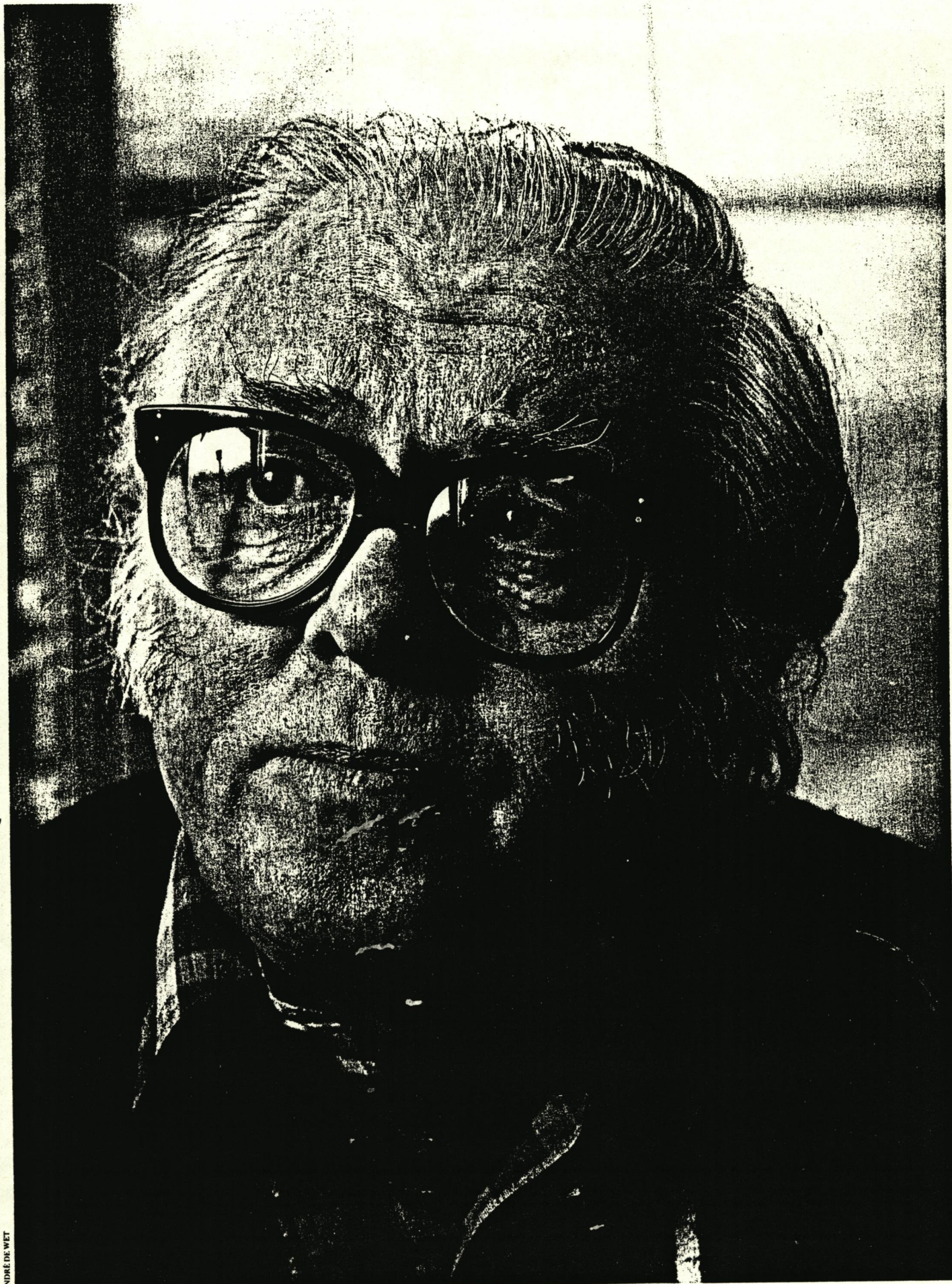
held the highest audience average per week, per screen, of any film currently being shown in the US. In Harare, the business has been phenomenal, although one would expect that. But here at the Empire cinema in London, it has been the number one box office film in the capital since it opened and looks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

I deny inaccuracies. As for attitudes, I can't 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?



IMAGES

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' 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' 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 "Rooi Rus" Swanepoel 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 sadistic", although it justified this portrayal on the grounds that it presented the "metaphoric face of the system".

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 – 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 government's 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. They 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 late Fifties and long before I had any

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. Then came *Oh What 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 naive 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 naive 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.

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.

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

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?

NEW BENCHMARKS

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 persons 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 inalienable 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 Parli-

ments". 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 "winner" 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



OU HOOFGEBOU

JAC DE VILLIERS

HUMAN RIGHTS

A tragic and paradoxical picture emerges of a people causing itself severe permanent harm in protecting itself from this very same type of harm.

methods which parallel those employed by its adversary. 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, during which he referred to a pamphlet called "The Open Universities in South Africa and Academic Freedom, 1957-1974", which summarised those statutes and practices adopted by the South African government "that violate centuries of consensus in the West of the minimal standards of procedural justice". In his lecture Professor Dworkin recounted how he had read to his students, without identifying the country, a description of the statutes and practices described in that book. He had asked his students to identify the country, telling them only that these rules were enforced in some country. Dworkin described his students' reaction thus: "Every hand went up, and the verdict was unanimous. 'Those are the rules and practices of the Soviet Union!'" With Dworkin one can but plead to the powers-that-be in this country that "it cannot be right to *oppose* an alien ideology by marching *towards* it".

At the root of the paradox lies the fact, which is also the juridically weak link in government's 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 fundamental 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 nation". 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 Colonels". How would the South African government fare in such a debate?

A bill of rights entrenched in a "higher constitution" 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 socialists will not openly agree with Peter Berger's proposition that "capitalist development is more like-

HUMAN RIGHTS

If the protection of group rights means the entrenchment of privileges and restrictions, it would be wholly at variance with universal human rights norms.

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. There 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.

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

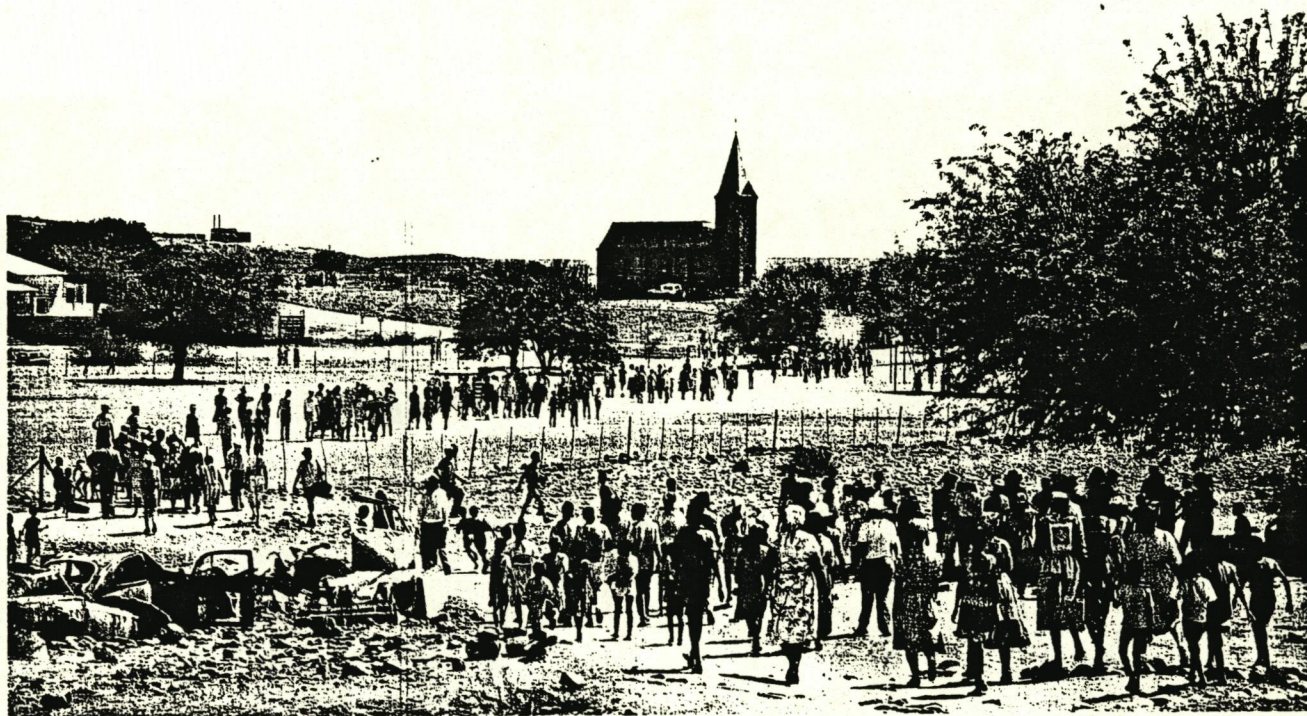
how to redress the ongoing effects of past discrimination even when particular statutory discriminatory measures have disappeared from the statute book. The issue is controversial, even in the USA, where the phrase "affirmative action" was coined. It was President Johnson who said:

"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. The 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.



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 L  thar 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 "roll of honour": Witbooi, Morenga, Maharero, 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 80 000 Hereros, and 10 220 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, according 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." Sixteen years ago in Guinea Bissau, another barefoot 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 where the sun stands still.

The Nama gather to commemorate their war against Imperial Germany.

LEADERSHIP
PHOTO ESSAY



(Above) Solidarity then, and now. A Herero woman visits Gibeon to attend the ceremonies.

(Right) Pastor Hendrik Witbooi, captain of the Witbooi nation, reads a eulogy to his grandfather, Hendrik, who fell in battle against the Germans in 1905.

(Opposite below) After the re-enactment, the dancing begins.

