

**STRUGGLE AGAINST APARTHEID—ROLE OF
NELSON MANDELA**

*Dissertation submitted to the Jawaharlal Nehru University
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MASTER OF PHILOSOPHY*

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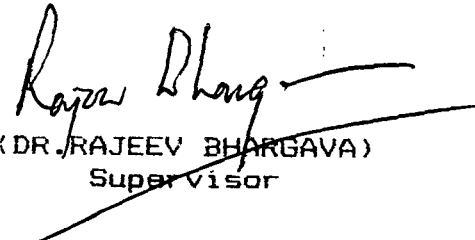
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C E R T I F I C A T E

This is to certify that the dissertation entitled, "STRUGGLE AGAINST APARTHEID - ROLE OF NELSON MANDELA", is submitted by JAYA SINHA, in partial fulfilment of the requirement for the award of the Degree of MASTER OF PHILOSOPHY of this University, has not been previously submitted for any other degree of this or any other University and is her own work.

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(PROF. C.P. BHAMBRI)
Chairperson


(DR. RAJEEV BHARGAVA)
Supervisor

WITH REVERENCE
TO MY
GRANDFATHER
AND MY
PARENTS

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J. Sinha
Jaya Sinha

INTRODUCTION

Apartheid is a long term objective of territorial separation of the white minority race and the non-white majority in South Africa but its basic tenet has always been the complete domination of the state and society, by the privileged white population. The doctrine of the obnoxious policy of apartheid is in reality the product of the false theory of the superiority of the white race.

In my dissertation, my objective, firstly is to study the concept of apartheid, as understood by the oppressed blacks in South Africa and as explained by the white racist regime in order to perpetrate racial subjugation. The latter defines apartheid as, 'constructive differentiation', for separate development. A second objective of my dissertation is this : Is this a fair characterisation of apartheid? If not, what is a more accurate description that captures the constitutive elements of the policy of apartheid. No doubt, the hegemony of the cracking white rule is dwindling, but one needs to ask how far has this process gone?

Another objective which I am aiming at in the thesis is to analyse the present scenario and judge whether the situation as it exists in new South Africa is better or worse after the repeal of the legislations and the white 'yes' referendum on March 17th 1992.

I have divided my dissertation into two sections. The first section deals with the nature of apartheid and the second section deals with the changes in the system of apartheid.

The first chapter of the first section is, 'The Origin of Apartheid'. It traces the historical evolution of the concept of apartheid, which came to stay as a discriminatory practice with the advent of the Europeans.

The second chapter is entitled, 'Legislative Acts -The Pillars of Apartheid', which were enacted by the white regime. The discriminatory practice took its final form and shape in 1948, which was institutionalised: this being a typical feature of South African legal system that distinguishes it from other systems.

In the second section comprising of chapters 3,4,5, I have discussed changes in the system of apartheid. In my view both, the domestic pressure brought upon by African National Congress within South Africa and the international organisations like the United Nations, have helped transform the system.

So in my third chapter, I have discussed the role of ANC under Nelson Mandela, which till now had to play a most active role in the struggle against apartheid and the various obstacles faced by it in order to attain its objective, the major hurdle being the split amongst the black organisations themselves.

In my fourth chapter, I have tried to elucidate the

role and relevance of the United Nations in dismantling apartheid. The real credit goes to the United Nations, which since 1970 has been passing strongly worded resolutions, condemning apartheid and censuring the white regime's conduct. The United Nations' sanctions against South Africa was a notable feature which dealt a final blow to apartheid.

In the last and conclusive chapter, i.e., 'Post-Apartheid Scenario', I have to judge in my own way, how quickly new South Africa will adjust, now that the liberal reforms of F.W. De klerk have swept away from the statute books, the discriminatory pieces of legislation, known collectively as apartheid.

CHAPTER 1

ORIGIN OF APARTHEID

The second largest continent of the world Africa, named after a son of Libyan Hercules, Afer, has been long since described as the "Dark Continent" in view of its historically buried past and the skin colour of its inhabitants. And lying at the southern tip of the African continent, with Namibia in the North and Mozambique in the North east, South Africa includes the original white colonies of the cape of Good Hope, Natal, Transvaal and Orange Free state. Formerly known as union of south Africa, the country became a Republic after its exit from the Common-wealth. There are about twenty million blacks and five million white inhabitants in South Africa. About 87% of the land, including cities, ports, the rich mineral resources the industries etc., are all owned by the whites legally¹.

Non-whites in the Union of South Africa have been perhaps the most humiliated, degraded and oppressed people. They have been undergoing this suffering since the time the European races settled in the Cape in the middle of the 17th century. The three centuries chronology of events records a horrible narrative of their forced degeneration evolving a pattern of human exploitation in the 20th century.

1. P.S.Joshi, 'Unrest in South Africa-Origin of Apartheid', Published U.S.A., 1968, pp. 3-4.

Never before in the whole history of Africa, a country of such potential wealth and magnitude was chosen by whites for permanent settlement; when the greed for possession reached the climax they forgot their homeland in Europe and made South Africa their fatherland.

Africa presents some antiquated scenes of race superiority, master and servant relations, white freedom and black serfdom, race tensions and conflicts. Here is illustrated the medieval tendencies of race pride and prejudice exulting in white domination and ridiculing the aspirations of the oppressed non-white people.

Before delving into the study of historical origins of apartheid, it will be both suitable as well as desirable to understand the meaning of the word 'apartheid', and also to know of its usage, for the very first time.

Before 1948, the policy of racial discrimination was known as the policy of segregation. This is how General Hertzog, the then Prime Minister of South Africa used to describe his policy of racial discrimination.

The word 'apartheid' was first used in a report submitted by a commission set up by Daniel Malan in 1947, to draw up a native policy for the Nationalist Party. Explaining the policy he said 'It must be appreciated at the outset that apartheid, separation and segregation or differentiation, whatever the name given to the traditional racial policy of South Africa, is part and parcel of the South African tradition as practiced since the first Dutch

settlement at the Cape in 1652 and is still supported by the large majority of white South Africans of the main political parties. The difference in colour is merely the physical manifestation of the contrast between two irreconcilable ways of life, between barbarism and Christianity and finally between over whelming numerical odds on the one hand and insignificant members on the other'².

Some have described it as follows, 'It just means separateness and if it is defined in the political sense in which it is applied, apartheid really means, insitutionalized racism. It is the application of the philosophy of race supremacy in every sphere of life, law culture, religion and education'³.

If we have the history of apartheid we will find that it is deeply rooted in the segregation policy and laws of Euoropean sailors and settlers from Portugal, England and Holland. A study of South African history is mainly a study of race warfare, a warfare between the blacks and whites. The race warfare originated some four hundred and thirty years ago. The original abrogines of South Africa and the most old inhabitants, the Bantus, the Bushman and Hottentots were not worried as long as the foreigners traded with them but when they came to live in their land and endeavoured to rule them of their forests and hunting grounds; of their independence and culture, they organized themselves and resisted.

2. Ibid, pp. 8-9.

3. Illustrated Weekly of India, 12th Jan. 1986, Delhi.

South Africa before European colonization

'The oldest inhabitants of South Africa are the San and Khoikhoi people whom the European colonists found in possession of the southern extremity of the continent upon their arrival at the Cape of Good Hope'.⁴ The San were hunters and the Khoikhoi herders. Other tribes like Sotho, Nguni, Jsonga and Venda were all metal workers, herders and agriculturalists. They were not nomadic.

The Bantu speaking people or the Bantus moved down into South Africa from the north. Bantus have an age-old tradition of democratic institution. The chief represents the tribe man and loses his status on grounds of inefficiency or indecent conduct. The Bantus constitutional law enshrines a maxim, the Prince derives his princely powers from the people. The whole tribe is like a pyramid, directed towards the chief who is at the apex of the political structure, the law, defence, economic development and the religious life of the community.

During the whole of this period, that is before colonization, there appears to have been little conflict. Land was plentiful and men were scarce. It was more reasonable to work than to fight. This was to change with the arrival of European colonists.

COLONISATION

The first people to clash with the original inhabitants

4. Donald Moerdijk, 'Anti-Development, South Africa and its Bantustans', UNESCO Press, 1981.

of Africa were the Portuguese, sailing on the Cape sea-routes towards the east. The Cape colony was founded to provide Dutch ships, on their way to the East Indies, with water and fresh food. It was to retain for centuries this colonial character of dependency on a far away metropolis : dependency of the farmers on the ships that bought their produce; dependency of the frontiers men on the trade, which kept them supplied with such essentials as guns, ammunition and bibles; and dependency, later, on overseas markets and capital.

The land needed for cultivation was however being used as grazing by the Khoikhoi. It was gradually taken from them by inducing them to trade their stock. Little by little they were induced to part with their cattle and relinquish their land, thus dispensing and entering into clientship relations or farm service. Khoikhoi were generally clients, servants or slaves. On the agricultural estates near Cape Town, imported slaves had been used from the time of the foundation of the colony, as the supply of free labour. The Dutch settlers in the wake of religious reform upheavals passed through an ordeal of tyranny and hence immigrated to South Africa. They had lost everything in their fatherland and trekked to South Africa in search of a permanent home where they could enjoy religious freedom and civil liberty.

Another European race to trek to South Africa were the English who had escaped the religious persecution but

experienced the pangs of poverty. So they looked beyond the seas for colonisation. The outstanding event of South Africa's modern history was the arrival of European settlers in the seventeenth century for permanent settlement. They planted themselves on the soil of South Africa and established a home for themselves and their posterity. Unlike other races they did not assimilate with original inhabitants of the land and proudly retained their identity, culture and civilization. Here was a people who explored the interior of Southern Africa and evolved what might be termed as White man's island on the black man's sea. While this white supremacy succeeded in establishing social apartheid, it could not avert race conflicts. The closing in and division of space, the conquest of certain societies and economics, brought about a profound change in Southern African society. The African from the white's point of view had been above all an adversary. From this time onwards the native was labour. The guiding principle of South African legislation, was to be that of inhibiting the complex process, whereby the African could be integrated, under equal terms, into South African society.

Nowhere was this more obvious than in the field of education'⁵. In the early, 19th century, the missionaries thought of education as having a civilising function - that of the transmission of enlightened European culture, with an

5. M. Ashley, 'African Education and Society in the 19th Century Eastern Cape', in C. Saunders & R. Derricourt (eds), 'Beyond the Cape Frontier: Studies in the History of the Transkei and Ciskei', London, 1974, pp.199-212.

emphasis on classics and mathematics.

The Bushmen and the Hottentots in South Africa unfold a tragic chapter of history. Theirs was a story of surrender, submission and gradual disappearance. The Bushmen opposed the European penetration into the Cape once and for all. The diseases of civilized Europeans overwhelmed them and they met the inevitable fate. They became an easy prey to civilization and religious frenzy.

Every white man, Dutch or English held a fanatical belief in upholding the white civilization in South Africa. If any opposition to the racial politics of Europeans came up, the torch bearers of white civilization mercilessly and relentlessly crushed it without any consideration for march of time or changing condition of our society.

The first Bantu tribe to clash with Europeans were the Xhosas, who for eighty years challenged the restrictions on their freedom of movement. Xhosas rose in rebellion as an armed protest against the government policy of Christianization and the demarcation of boundaries. The outcome was the great Xhosa war, the war of the Axe. The governments plan to create several tribal states under the protection of England received a stiff opposition. The Xhosas launched guerilla warfare and made it unsafe for the Europeans to enter the forests of the fish river. But they were defeated and it was a heavy blow to them; they were humbled and leaderless.

Three decades later in 1873, a Bantu leader led a

revolt against the English rule for the possession of the colony. Zulu power was crushed by the Europeans but not totally.

In 1906, Natal once again witnessed the resurgence of Zulu upheaval. This was the last major Zulu effort for their liberation. A cry for 'Africa for Blacks' rang throughout Natal, followed by a violent non-co-operation struggle. The Zulus refused to pay taxes and joined in sharp engagements, Martial law was proclaimed. The Zulus were vanquished at last. The warrior Zulu transformed himself into a hard working miner, farm hand, artisan and watchman. The ultimate end is a self governing white community supported by well treated and justly governed black labour, from Cape Town to the Zambesi⁶. The Africans were regarded as mere economic resource. The new masters needed for the time being, to maintain the system of cheap migratory labour to get production going again after the war, but they were soon to come up against a short age of skilled labour.

It was not economical to teach skilled trade to temporary migrants who came and went. But to allow African workers to settle permanently in the urban area and acquire residential rights and even property would imply accession of white territory and violate the implicit agreement upon which was founded the consensus of the conquerors⁷. But there was another difficulty, even graver

6. Cited by L. Thompson, in Wilson & Thompson, (eds), Op.cit. Vol. 2, pp. 330.

7. T.R.H. Davenport, 'The Beginnings of Urban Segregation in South Africa', Grahams Town, 1971, pp.16.

involved in allowing the Africans to acquire skills. For trained African labour, potentially plentiful and particularly cheap to maintain, would undermine the bargaining position of an important urban group: the white workers.

It had now become clear that just as force had been necessary to set up and to maintain the conditions which made production possible, so only an alliance between farmer and white workers, or at least substantial concessions to these two classes could maintain the state which was to exercise that force and also maintain white privilege.

'The African was treated as an object: as 'labour', and nothing more. But also as labour of a particular sort: labour, which it had always cost nothing to produce'⁸.

An effort was made to abolish social contact between whites and non whites. The nature of the 'separate facilities' regulation was such that it provided separate doors, windows public benches, ambulances etc.

POLITICS OF THE ECONOMY

The apartheid and 'separate development' policies brought into being in order to maintain white supremacy, corresponded none the less to a certain economic rationale. They were devised in order to protect the governing alliance of white workers and capitalists by stemming the

8. Donald Moerdijk, 'Anti-Development, South Africa and its Bantustans', UNESCO, 1981, pp.35.

mobility of Black workers so that they could not compete with the whites, by attempting to split the African opposition along ethnic policies and by co-opting the chiefs and African administrators'⁹.

These policies also served however to keep labour cheap by depressing subsistence levels and by canalising it more efficiently.

The primary goal of Bantustan economic development is to have the black people live and work in their own homelands whenever this is practically possible. Where not, the plan seeks to encourage blacks to live in their homelands and work in white areas on daily basis. The aim was thus, first and foremost to keep white South Africa, white. This was seen as being a necessary starting point, whether the overall policy be one of regional, 'interdependence', or of 'national independence', for the Bantustans, balanced development of the economy and of society was only a secondary consideration.

South Africa's development policy for the Bantustans had two series of reasons behind the policy. The first was political: the necessity to protect the interest of certain classes of white people by inhibiting the vertical and horizontal mobility of black workers. The second was economic: an attempt to reduce the global cost of labour by moving capital closer to the manpower reserves.

9. Ibid, pp. 35.

As to the black enterprises, their development had been slow. There was in the 'home lands', so little evidence of economic activity; this lack of business contrasts with under developed countries, even poorer than Bantustans. This was due to the lack of access by blacks to credit capital technology and markets, to their having debarred from so many activities and prohibited from entering the hotels, clubs and restaurants.

Thus we see that the frontiers of the Bantustans were fictitious. They did not serve to preserve a national economy, for this was fully controlled by the central power through its development agencies. They did exist however for the workers, determining their rights their reserves and the course of their lines.

Evolution of Racial Beliefs:

It is an interesting fact of South African history that legislative colour bar was absent in the Cape of Good Hope, until the commencement of the 19th century. Racial divisions were based only on religion.

The Anglo-Boer attitude in the preliminary stage of European settlement was to conquer, annex the lands and civilize the "civilized" aborigines. When the Britons settled in South Africa they had no intention of imposing any legal barriers based on origin, race, colour and creed. From the imperial stand point, the British record in South Africa was to follow the Roman dictum, "Divide and Rule", and to destroy everybody and everything who stood in the way.

It helped to build the empire, but left a stain on its fairname in the pages of history.

The pages of South African history substantiate an outstanding fact that colour bars originated through Boer outlooks. To escape the British laws of race equality, the Boers left the Cape and braved the storms and struggles of the unexplored hinter land. They waged wars against Bantu in order to establish republics with no allegiance to the British Crown. They viewed all their problems from the angle of white superiority and suzerainty. The old talk of dark colour was displaced by one of western civilisation and western culture. Now superiority was claimed on the grounds of colour.

The Great Trek, obviously a determined move for secession from the British empire, was incidentally, a major move for self-determination by the Afrikaner. It revived the mentality of a grabbing race hungering for vast tracts of other people's lands. It introduced the white civilization in the land, but not its goodfruits. It planted an obsolete caste system in the western society of South Africa. It sowed seeds of discord in the hardly acquired environment of peace and of discontent among a contented people.

The various legislations undertaken by the apartheid perpetrating government i.e. the white racist regime, will be discussed in the following chapter. But it is very essential to illustrate the very first attempt by the white regime to initiate segregation.

So the first field of adventure for the Boers was Natal where their short lived Republic initiated a policy of territorial segregation in 1841 with a view to segregating the Africans and keeping them under complete subordination. The chief points of this policy were as follows:

- (a) To mark off areas for predominantly white population.
- (b) to refrain sufficient Natives therein for agricultural labour purposes and to ensure that this labour should be fairly divided.
- (c) to segregate the balance of the native population and to interfere with them as little as possible and
- (d) to rule such of the Natives as mere employed in the white area paternally, justly and kindly, but keeping in a position of complete subordination.

Hence we see that incalculable injustice has been perpetrated by the discriminatory laws in south Africa. Although slavery was officially abolished, the labour laws reflect the tradition of the era of slavery. Over a hundred legislations put on the statute book since the union in 1910, testify to the fact that the union is clearly reverting to the days of Afrikaner republics which rejected equality of the black in both church and state.

South Africa loudly claims to have a long, rich experience of African administration, but summed up, it is expressed in two words : colour bar. It's political talent enshrined in the introduction of racial discrimination in the whole social fabric of the country. No wonder Africa

finds little support in the United Nations which year after year indicts its colour policy.

The dignity and worth of the African people has been grossly underrated; their progress retarded and aspirations frustrated and the whole life undermined. From all standards of measurement, South Africa's cult of colour represents race of fanaticism, as arrogant as Hitler's Nazism, out to vilify and smash all opposition. It is indisputably an institution of slavery masquerading under a civilized term.

Racial discrimination has no scientific foundation in biological fact, that range from mental capacities in all races, is much the same, that extensive study yields no evidence that race mixture produces biologically bad results, that as a myth race has in recent years taken a heavy toll in human lives and suffering and still keeps millions of persons from normal development and civilization, from the full use of the co-operation of productive minds, that all human beings possess educability and adaptability and that given similar degrees of cultural opportunity to realize their potentialities, the average achievement of the members of each ethnic group is about the same.

The crux of the problem in South Africa is the European zeal for retaining power on grounds of race superiority, which has created colossal issues which would require a lifetime to solve. Most of the burden has fallen on the

non-European people, and white man's sovereignty has virtually become the Black man's burden in South Africa. Apparently on the march today they refuse to be led in the shaping of their own destiny. They have to plod hard and far to free themselves from the shackles of freedom. Their path has been obstructed by a thousand and one race barriers yet they valiantly fight against all disqualifications and disablements exacted by the Union Parliament. They grasp every opportunity to progress with civilization. Their goal is clear.

CHAPTER - II

LEGISLATIVE ACTS - THE PILLARS OF APARTHEID

'Since 1948, South Africa has achieved notoriety for its policy of apartheid or racial separation. Personal freedom, freedom of development and freedom of speech have been drastically curtailed during the same period but generally these restrictions have been imposed in the furtherance of apartheid or in the attainment of the existing segregated society'¹⁰.

Racial segregation is no new phenomena of South Africa and it is certainly not the only state guilty of practice. What - distinguishes South Africa from other societies, is that racial discrimination is not merely socially condoned; in addition it is legally endorsed in a carefully constructed legal order premised on racial separation. The South African legislative history of accelerated differentiation in race relations since World war II stands in sharp contrast to the experience of other states which during the same period have invoked legal processes on both the national and the international plane to prohibit social discrimination.

While opponents of apartheid condemn the policy on the ground that it discriminates against blacks, the South African government argues that it is a policy of 'constructive differentiation- " differentiation without

10. John Dugard, 'Human Rights and South African Legal Order', Princeton University Press, New Jersey, pp. 53.

inferiority" - rather than discrimination'. The government has substituted the term "separate development" for apartheid and describes its policy as one of multi nationalism, separate freedoms, harmonious multi-community development and plural democracy. It maintains that the grand design of separate development which will result in the creation of separate individual states for the various ethnic groups in South Africa; will eliminate racial friction and discrimination by allowing each ethnic group the right to self determination within its own territory.

The government's attitude towards racial discrimination was spelled out in 1979 by Mr. R.F. Botha, South Africa's Ambassador to the UN who stated, 'Our policy is not based on any concepts of superiority or inferiority but on the historical fact that different people differ in their loyalties, culture and looks and modes of life and that they wish to retain them'¹¹.

Prof. Hoernle stated in 1941 that 'segregation is most perfectly realised in multi racial caste society. Separation, falsely called "segregation" is most perfectly realised when the different racial groups are sorted out into their own territorially distinct societies'.

The mystique of apartheid after 1948, came to mean separation in all possible fields: political, territorial, residential and economic.

11. Ibid. pp.54.

It cannot be denied that the National party government inherited a number of discriminatory laws when it came to power in 1948. The foundations of apartheid had already been laid well before 1948 by laws but the National Party government built vigorously on these foundations since 1948 and added to host of statutes that govern the personal, social, economic and political status of the black person.

The first field of legal adventure was Natal, in South Africa, where the short lived Boer's Republic initiated a policy of territorial segregation in 1841 with a view to segregating the Africans and keeping them under complete subordination. The chief points of this policy were:

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- a) to mark off areas for predominantly white population
 - b) To refrain sufficient Natives therein for agricultural labour purposes and to ensure that this labour should be fairly divided,
 - c) to segregate the balance of the Native Population and to interfere with them as little as possible and lastly,
 - d) to rule such of the Natives as were employed in the white area paternally, justly and kindly, but keeping in a position of complete subordination.

The main characteristics of racial discrimination as understood are as follows, and it shall be highlighted in the legislative Acts mentioned below, following the characteristics.

- a) unequal allocation of basic rights in the political economic, social or cultural field on the ground of a person

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race, colour, decent or ethnic origin,

b) Less favourable treatment of a person on the ground of his race in respect of the provision of services, facilities and employment,

c) Segregation or separation which engenders a feeling of inferiority or humiliation among members of a racial group subjected to such separation.

In 1870, the pass system was introduced compelling Africans to carry a shilling pass for travel.

The native labour Regulation Act was passed in 1911. It provided protection to the employers against breaches of contract. This Act provided a basis for an organised forced labour.

The Mines and Workers Act of 1911 affirmed the South Africa Republic's principle of colour bar for certain types of work. It envisaged a source of supply for cheap labour, preventing a competition with white workers in skilled and semi-skilled work. The African workers were destined by the regulations to ever remain low paid manual labourers. There was a feeling among the educated Africans and liberals that the Gold mines had been both an instrument of exploitation and a foundation stone of the colour in South Africa.

In 1912, the union government enacted two far reaching laws; the Natal Native Trust and Native Administration Act and the South Africa Defence Act. The first amended certain laws in force in Natal relating to Native Trusts and administration of Native Affairs and second enunciated a

reactionary policy in the name of the defence of the country. It legislatively denied equality in the army for non-europeans. It disqualified every non European race for personal service in a combatant capacity in time of war, of peace, training etc. on grounds of colour.

In 1913, the union government passed the Natives Land Act with the sole object of controlling the ownership and occupation of land in the union by Africans and non Africans. Chief objections to this act had arisen on material and moral grounds. All fertile land almost everywhere was allotted to the Europeans. The distribution of the land was disproportionate to the needs of the most African population comprising almost four times as much as the Europeans.

The Immigrants Regulation Act of 1913 consolidated and amended the laws already in force relating to prohibited immigrants and created administrative machinery for their removal. The Act branded for the first time in the history of South Africa all non European races as undesirable on economic grounds and announced in effect South Africa for European Immigration only.

The first major onslaught on the dignity of the African races came in 1926. The colour bar was evident in three legislations i.e. (a) Masters and Servants Amendment Act (b) The Mines and Works Amendment Act and the (c) Native Affaire Ammendment Act.

The spirit of resistance however continued to grow.

The African National Congress launched a movement to weld the African races into a United Nation and instead into them the hunger for freedom.

By 1936 Act the government took steps to restrict the freedom of Africans living in urban areas.

Thus, the Bantu Land Act 1913 and the Bantu Trust and Land Act of 1936 together set aside some 13% of the total area of South Africa for the exclusive occupation on non-whites. The 1913 Act demarcated certain areas known as reserves and forbade the transfer to or lease of land by other races within these reserves. At the same time Africans were prohibited from acquiring land elsewhere.

The Native Laws Amendment Act No. 46 of 1937 provided fresh control over African immigration and prohibited the entry of new Africans into towns. It restricted the African right to own land and disallowed its acquisitions from non-Africans without the prior approval of the govern general.

The Wage Act of 1937 was complementary to the Industrial conciliation Act in maintaining the institution of colour bar. Here, there was classification of Africans as an underdeveloped, uncivilized people, not entitled to consideration of wage increase or cost of living, allowance by the wage Boards and authorities.

In 1941 the factories, machinery and building Works Act introduced segregation in factories. South Africa of 1943 and 1944 was fast developing into an imposing edifice of colour where the non-Europeans would enjoy no political status whatsoever and socially would be serfs.

The All African Convention in 1948, drafted a declaration of Non-European unity. It said that the rules of south Africa who wielded economic and political power in the country were deliberately keeping the Non-European people in political and economic oppression for the sake of their even selfish interests and that the promises of the rulers to use the economic resources of the union for the benefit of the under privileged had been flagrantly broken.

Since 1945, South Africa witnessed an orgy of race passion in its naked form. The root cause of strained relations between whites and non whites had been the race idolatry. Efforts of a century at racial adjustments ended with the inauguration of an era of apartheid with its inevitable tensions and conflicts. The whites to remain masters, could not allow the economic, social and political uplift of non whites in the areas of their jurisdiction.

The first colour legislation of 1945 was the Natives (Urban Areas) consolidation Act dealing with conditions of residence, contract of service and ingress of Africans. The Act was indisputably an encroachment on the freedom of movement. A segregatory, the regulation converted the African areas into huge concentration camps, ghetto spots and untouchable quarters.

The Ghetto Act was indisputably a climax of humiliations for the Indians whose oppression had commenced side by side with the non whites in Africa. But for the first time in the history of African people, their

grievances were heard at the forum of world. Race discrimination in South Africa was described in the United States as something akin to the oppression of dark skinned people. Gandhiji saw in the South African trends a startling resurgence of a caste system worse than the ancient and dying institution of India.

But we see that since 1948, South Africa achieved notoriety for its policy of apartheid or racial seperation. Personal freedom, freedom of movement and freedom of speech were distinctly curtailed during the same period. The two main pillars of apartheid, the Population Registration Act of 1950 and the Group Areas Act of 1957 (consolidated in 1966) need to be discussed at the very onset. Though these two Acts have found their way out of the apartheid structure under De Klerk's regime but not in its fullness though, they need to be discussed specially as they played an important role in suppressing the blacks, being the keystone of the apartheid structure. 'The Land Act and Group Areas Act were repealed on 5th June followed by repeal of Population Registration Act'¹².

POPULATION REGISTRATION ACT

The central statute on race classification was the Population Registration Act which can be described as the cornerstone of the whole system of apartheid. This Act came straight out of the 1950s when H.F. Verword, the architect

12. Harisharan Chabra, (foreword Nelson Mandela), "Mandela's Release and After", 'One Year After Mandela's Release', Africa Publication, New Delhi, 1991, pp. 36.

of apartheid, made it the foundation strategy of divide and rule. By splitting up the population by race and a theory of host of other apartheid legislations assigning non-white to lower position in society, the white minority could continue in power. "The Population Registration Act", said Botha, "is part and parcel of the necessity to identify group; it is an essential element in our whole philosophical approach to the racial mix in this country"¹³.

This Act for the first time contained a racial classification of the South African population. Prior to 1950 as the position was often fairly flexible, if not uncertain, people could "pass" from one group into another if their physical features allowed this. Sometimes it meant for many of them a considerable improvement of their personal position, such as higher rates of pensions, the right of freedom of movement, broadening of their residential rights etc. Such flexibility ended, however with the Population Registration Act, which was intended to provide the foundation for the strict implementation of the policy of apartheid. The Act actually introduced a rigid and inflexible system of racial classification with the underlying purpose of determining the racial group of every individual once and for all.

The Population Registration Act of 1950 provides for the compilation by the Director of Census, from forms

13. John Dugard, 'Human Rights and the South African Legal Order', Princeton University Press, New Jersey, pp. 98.

submitted to him under the Census Act of 1910, of a list to include the name of every person permanently and temporarily resident in the union. According to the Population Registration Act, the population of South Africa is to be classified as white, coloured and native, namely:

(a) a 'white' person means a person who in appearance obviously is, or who is generally accepted as, a white person, but does not include a person who although in appearance obviously a white person, is generally accepted as a coloured person,

(b) 'Native' means a person who in fact is or is generally accepted as a member of any aboriginal race or tribe of Africa,

(c) a 'coloured' person means a person who is not a 'white' person or a 'native'.

In the daily practice of its application, however manifold difficulties arose. These had already been prophesied by Field Marshal Smuts, who in the preparatory stages of the Act pointed out the likelihood of friction, the uncertainty of the definitions, the unreliability of the register and stated: "I think all this probing into private affairs, this listening to informers, this effort to classify what is unclassifiable, what is impossible to achieve will create a situation which will hit this country hard in years to come"¹⁴.

14. House of Assembly Debates, Vol. 7, Column 2543, Quoted from G.M. Carter, pp. 82.

The uncertainty and inequities of such classification was due to the fact that it was almost impossible to set up a general or scientific criterion on the basis of which a clear cut separation of the different races could be achieved. Under this Act the, "passing from one group to another had become unlikely with the result that people no longer had the possibility of introducing their personal position by passing to a socially higher category".

The Secretary of the Interior made his classification on the basis of census return, registration of births and other documents. Third parties could write to the Secretary objecting to a person's classifications and this may set in motion the machinery for witch hunt into the racial history of an individual¹⁵.

It must be emphasized, however, that this decision was by no means final. At any time after a person has been classified in the Population Register this classification could be altered by the Director of Census. He was not compelled to state what had led him to reconsider his previous decision¹⁶.

According to the Population Registration Act, any person who considered himself aggrieved by his classification, by the Director, could object in writing, enclosing an affidavit setting the grounds upon which

15. John Dugard, 'Human Rights and the South African Legal Order', Princeton University Press, New Jersey, USA, 1978, pp. 61-2.

16. Population Registration Act of 1950, Section 5(3).

objection was made'¹⁷. 'The person aggrieved by his classification could lodge an objection with an administrative tribunal generally known as the "race classification appeal board"¹⁸.

The implementation of the Population Registration Act was strewn with human suffering. 'The purpose of this Act was to place each individual in a particular racial group in order to determine his social, economic and political status'¹⁹. Both black and white were obliged to be classified in this way with the result that it was argued that this statutory scheme was an example of differentiation rather than discrimination. Thus this Act provided the machinery for unfavourable treatment under other statutes.

Over the years, the Population Registration Act of 1950 made many people desperately unhappy. Population Registration Act was fully enforced as the guarantor of white privilege.

"Apartheid is like a huge onion. Each time you peel off a layer you expose the one underneath it", says John Kane. Berman, the Director of the Institute of Race Relations says "Eventually you get to the core, the Population Registration Act. The only permanent way to protect the core is not to peel anything off".

17. Population Registration Act of 1950, Section 11.

18. Ibid.

19. For an account of its effects, see Muriel Horrell, 'Race Classification in South Africa, its effects on Human Beings', Johannesburg, 1958.

The Act comprised of 32 pages of twisted double negatives and convoluted definitions. It was a mess created out of the neatness of the Population Registration Act which ordered South African society according to a strict colour scheme.

In case the classification was not clear enough, the Act gave further guidance on who was or was not white. In deciding whether any person was in appearance obviously a white person within a meaning of the definition of white person, his habits, education, speech, deportment and demeanour in general were to be taken into account.

Further more, said the Act, "a person shall be deemed not to be generally accepted as a white person unless he is so accepted in the area in which or at any place where he is ordinarily resident, is employed or carries on business, mixes socially or takes part in other activities with other members of his family, and any other person with whom he lives".

The kernel of the policy of apartheid according to Dr. Malan was, however, to be found in the Group Areas Act of 1950 and its amendment which represented the final blow to any form of African land ownership and establish the pattern for the development of the African reserves (Bantustan states). Hence in 1950, the piecemeal regional attempts to secure residential segregation were replaced by a uniform scheme contained in the Group Areas Act, a statute which

was consolidated in 1957 and again in 1966²⁰.

The Act was designed to effect complete segregation of different racial groups into areas assigned to each. The act provided that by proclamation of the Governor General in Council of each province, the exclusive rights to own property, reside or carry on a business, were to be allocated and restricted to certain racial areas²¹. The Act which was also applicable to Coloureds and Indians provided for 'controlled', 'separate', and 'group areas', as determined by proclamation. As soon as a proclamation was issued, the area concerned became a controlled area wherein the acquisition of immovable property was prohibited, to any person of a different race than the owner of said property. Immovable property included real rights therein and any lease or sublease thereof. No person could enter into an agreement providing for the acquisition of immovable property within a controlled area by a "disqualified person" (i.e. a person belonging to a different racial group). Further no disqualified person could occupy land or premises in a controlled area unless under specified exemptions which included employment. A special area was a part of a controlled area to which the restriction of acquisition of immovable property did not include the right to lease or sublease. There also set forth three classes of

20. G.M. Carter, 'The Politics of Inequality, South Africa since 1948', London, 1958, pp. 6.

21. John Dugard, 'Human Rights and the South African Legal Order', Princeton University Press, New Jersey, USA, 1978, pp. 80.

group areas in the controlled areas which could be declared by proclamation to be areas for occupation, for ownership or both, pursuant to racial group.

The Act distinguished between group areas for occupation and for ownership and in practice emphasized occupation. The emphasis was explained by a sometime law adviser to the Group Areas Board, Mr. F.P. Rousseau, as follows: "The clashes and difficulties between persons of different races which other countries have experienced have had their origin almost entirely in undesired occupation. If your neighbour by reason of his race has a way of living different from yours, so that his proximity offends you, you are not likely to worry about the racial group of the landlord"²².

Further encroachment upon the property rights of the African was provided under the Group Areas Amendment Act of 1956 whereby African freehold areas for other races and Africans could be removed from these freehold areas. Subsequently, the Group Areas Amendment Act of 1957 prohibited both residence and presence of Africans in premises in areas which had been proclaimed white²³.

Subsequent to and in support of the Group Areas Act of 1950, a concentrated effort had been made to eliminate the presence of non Europeans in white urban areas. The legislative efforts to eliminate and restrict the presence

22. F.P. Rousseau, 'Handbook on Group Areas Act', Cape Town, Juta and Co., 1960, pp. 8-9.

23. Group Areas Amendment Act, 1957, Section 1(g).

of Africans in urban areas were furthered by the Native (urban areas) Amendment Act of 1955, which prohibited more than five Africans from residing in any building in a proclaimed area. Africans who were so displaced were forced to live in African hostels or locations. In 1956, the rights of Africans to apply to the Supreme Court for an interim edict against summary removal or ejection was suspended by the Native (Prohibition of Interdicts) Act.

Finally, the Group Areas Development Amendment Act of 1959 empowered the Group Areas Development Board, which could be vested with the powers and functions of a local authority in connection with certain group areas, to acquire immovable property outside as well as within the group area. This Act of 1959 completed the legislative machinery necessary for the total fulfilment of the policy of apartheid in connection with residence and ownership of property in the urban areas.

The final and most concrete expression of this control was however to be found in the promotion of Bantu Self-government Act of 1959. This Act aimed at the preservation separate white and African communities and the Secretary for Bantu Administration wrote that the, 'maintenance of white political supremacy over the country as a whole is a sine qua non for racial peace and economic prosperity in South Africa'²⁴.

24. Margaret Cornell, 'The Statutory Background of Apartheid -The World Today', Vol. 16, No.5, May 1960, pp. 185.

In slum then, the African's right to residence was limited to certain prescribed areas and his right to ownership and immovable property could be said to have been lost completely in urban areas. The basic aims of the government, clearly expressed in the white paper, related to the promotion of the Bantu Self-government Act of 1959, which explained that the purpose of allocating reserves had been and remained to identify each of the African communities with its own land and ensured that the Africans entered the white area as migrant labourers only.

How fairly and justly the non whites had in fact been treated by the racist government was well known to everybody. Measure of this kind constituted one of the important milestones on the road leading to full consolidation of apartheid. Bishop Ambros Reeves described the implementation of this Act as 'a refined method of mental torture which only those who have to endure it can ever fully understand'.

The opponents of apartheid condemned the policy on the ground that it discriminated against blacks; the South African government's argument was that it was a "policy of constructive differentiation - 'differentiation without inferiority' other than discrimination"²⁵.

If we attempt to classify the "law of apartheid", it can broadly be divided into two categories: first, those laws which prescribed the personal, social, economic,

25. Ibid, pp. 185.

cultural and educational status of the individual in society, and second, those laws which constructed the institutions of separate development and determined the political status of the individual.

Personal Status of the Individual Under Apartheid

In South Africa, a person's political, civil, economic and social rights upto now were determined by the race or ethnic groups to which he belonged. This classification was not left to social determination because this might allow a person to climb from a less privileged racial group to a more privileged group if his physical appearance of social acceptance permitted such a change. The South African legislature compiled a complete and perfect grouping of people along racial lines and constructed a racial classification scheme based on the criteria of descent, appearance and general acceptance. The confusion over race classification aggravated by the failure of the legislature to lay down a uniform racial definition. Some statutes followed the customary division into four racial groups - white, Bantu, coloured and Asiatic; other statutes distinguished between whites, Bantu and coloured or only between whites and non whites.

The Immorality Act of 1957 for example outlawed sexual relations between white person and "coloured persons", whom it defined as, "any person who in appearance obviously is or who by general acceptance and repute is a white person, and a "coloured person", who is defined as

"any person other than a white person".

SEPARATE FACILITIES

One of the greatest causes of racial humiliation in South Africa is the simple sign "whites only" or in Africans, "Slegs Blankes" found in public places²⁶. The separate but equal approach had been repudiated and in its stead South Africa approved the "separate and unequal" philosophy.

Although South African courts have no power of judicial review in respect of Act of parliament, they are competent to examine the validity of delegated legislation enacted by a subordinate authority in terms of an enabling act of Parliament.

The reservation of Public Amenities Amendment Bill sought to empower the Minister of Community Development, whenever he deems it expedient, to direct any person who is in contract of any public amenity, to set apart or reserve that public amenity, "for the exclusive use of persons belonging to a particular race or class. A "public amenity", includes any public premise, public vehicle, and any counter, beach, seat or other amenity or contrivance in or on such premises or vehicle or any portion of such premises, vehicle, counter etc²⁷.

As under the 1953 Act, it expressly stated in this proposal amendment that no reservation shall be declared invalid on the ground that no similar or substantially

26. John Dugard, 'Human Rights and the South African Legal Order', Princeton University Press, New Jersey, USA, 1978, pp. 63.

27. Section 2(2).

similar amenity has been provided for any other race or class.

But the 1977 bill, proposed to give to the government, the power to direct that separate facilities be established against the misuses of the person in control of the amenity in question. This empowered the government to ensure that segregation remained part of the legal fabric of South African society, even where the society itself was prepared to move away from discrimination.

Separate Amenities Act of 1953 was introduced in order to reverse an enlightened judicial movement towards substantial equality of treatment. This statute expressly authorized unequal treatment of different racial groups. This Act expressly stated that no reservation would be declared invalid on the ground that no similar or substantially similar amenity was provided for any other race or class. It was a statute in order to reverse an enlightened judicial movement towards substantial equality of treatment.

Besides, prohibition of Mixed Marriage Act of 1949, forbade marriages between a 'European' and a 'non-European' and provided that any union entered into in contravention of this law "shall be void and of no effect". The government wished to legislate against such marriages in order to prevent coloureds from "infiltrating" the dominant white group by marriage.

The Immorality Act of 1957 made it an offence for a

white person to cohabit with a black person or to commit any 'immoral or indecent act' with such a person.

Separate Freedoms with reference to Movement

Separate development was euphemistically described by government spokesmen as a policy of "separate freedoms". A vast web of statutes and subordinate legislations confined the African to his tribal homeland and released him only in the interest of the agricultural and industrial advancement of the white community. When he visited a "white area" as a migrant labourer, he did so on sufferance, shackled by the chain of legislative and administrative decision.

The Bantu (Urban Areas) consolidation Act of 1945 as amended, was designed to control the influx of Africans into urban areas and to control their conduct while there. It was an offence punishable by fine for an African to remain for longer than seventy-two hours in an urban area unless he was able to show that (a) he had worked continuously since with or (b) he had worked continuously in such area for the same employer for 10 years (c) permission had been granted for him to remain, by a labour bureau.

The control of movement of Africans throughout South Africa was effected by the pass system till recently.²⁸ A pass is a document required for lawful movement into, out of, or within a specified area which must be produced on demand of a specific person, failure of producing,

28. See Muriel Horrell, 'The Pass Laws', Johannesburg, South African Institute of Race Relations, 1960.

constituting an offence'²⁹. In 1932 the existing pass laws were replaced by a statute wearing the misleading title of the Bantu Abolition of Passes and Co-ordination of Documents Act, which did not in fact repeal the pass laws, but rather co-ordinated them by providing for the carrying of "reference books", instead of passes and extend the existing laws by requiring women to carry them as well.

In 1956, a new section was coupled which empowered a Bantu Affairs Board to order the removal of an African from an urban area where it was of the opinion that his presence was "detrimental to the maintenance of peace and order in any such area".

The government was opposed to judicial review or scrutiny of its arbitrary removal of Africans from white areas. This was made abundantly clear by the Bantu Act of 1956, which prohibited an African from obtaining a court interdict to suspend the operation of any banishment order pending an attack on the validity of any such order. This Act was clearly discriminatory as it was "concerned solely with Africans and it took away from them by reason of their race, the right to invoke the protection of the courts, while such right was still enjoyed by members of other races.

29. E. Kahn, 'Handbook of Race Relations in South Africa', (ed), Ellen Mellman, Cape Town, Oxford University Press, 1949, pp. 275.

TERRITORIAL AREAS

Territorial and residential separation were a part of the South African legal order before National Party came to power in 1948.

TERRITORIAL SEPARATION

The Bantu Land Act of 1913 and the Bantus Trust and Land Act of 1936 together set aside some 13% of the total area of South Africa for the exclusive occupation of non-whites. The 1913 Act demarcated certain areas known as reserves and forbade the transfer to, or lease of land by other races within these reserves. At the same time Africans were prohibited from acquiring land elsewhere.

GROUP AREAS

This act instituted in 1950, which has already been discussed in detail in earlier pages, was yet another act which provided inter alia for the making of separate areas for residence, occupation and trade for different racial groups.

The 'Tomlinson Commission' report in 1954 held that the policy of separate development was a pre-requisite for the sound development of the Bantu Committees. This policy of separate development was the only means by which the Europeans could ensure their future, unfettered existence, by which increasing race tensions and clashes could be avoided.

Prime Minister Shijdom emphasized upon "baaskap" on the policy of white paramountacy in all spheres within the broad

framework of apartheid.

Bantu Homeland Constitution Act was enacted in 1971. It empowered the state President, to issue a proclamation establishing legislative assemblies without any consultation, with the South African House of Assembly. The real purpose behind them all, was to maintain permanent and perpetual white domination despite their being in utter minority.

The theory of separate development or a separate Bantustan envisaged the eventual establishment of a Southern African common -market or Commonwealth. Grouping led to close economic integration while member states remained politically separate.

The so called independence of the homeland for Blacks was a sheer fraud which is proved to the hilt by the fact that the South African government continued to interfere in the affairs as if they were not independent at all.

By creating homelands for various ethnic groups, I think the South Africa government was perhaps hoping for reduction in the intensity of the armed struggle.

Unfortunately for South Africa there are some Blacks who are co-operating with it in running the Bantustan institution, the vast majority of them recognize them as institutions of domestic colonialism practiced by South Africa.

RACIAL DIVISION MAINTAINED AT OTHER LEVELS

(i) SEPARATE EDUCATION:

Racial division is maintained at all levels of education. White education is compulsory up to the age of 16 years for white children, it is not so for the black children. There is a great distinction in the per capita expenditure on the education of black and white children, e.g. in 1977 - 1975 the estimated per capita expenditure on Africans in primary and secondary schools was Rs. 39.53 compared with the amount of about Rs. 605.00 spent on each white child³⁰. Dissatisfaction with the system of Bantus education sparked off the nationwide demonstration of 1976, which shook South Africa more than any event since the days of Sharpville.

ii LABOUR

The main discriminatory features of South African industrial law are reservation of many skilled jobs for whites and the restriction placed on blacks in respect of collective bargaining which have inevitably resulted in wage discrimination and a lower standard of living for blacks.

(iii) JOB RESERVATION

There is an unwritten law that no white employee shall be subordinate to a black.

Statutory job reservation has its origin in the Mines and works Act of 1911, re-enacted in 1926 and 1956, which permits the granting of certificates of competency for a number of skilled mining occupations to whites and coloureds

30. 1976 Survey of Race Relations, (Quoted from John Dugard, 'Human Rights and South African Legal Order', Princeton University Press, New Jersey, USA, 1978).

only. The central statute in the field of industrial relations, the Industrial Conciliation Act of 1956, gave the Minister of Labour the power to reserve specified classes of work for specified races as a safeguard against inter-racial competition.

(iv) COLLECTIVE BARGAINING

The Industrial Conciliation Act of 1956 created a system of self-government in industry by means of collective bargaining between employers and employees. But Africans had no part in this system of self-government.

FREEDOM OF MOVEMENT WITHIN SOUTH AFRICA

The statutes: the Riotous Assemblies Act, the Internal Security Act and the Banks Administration Act empowered the executive to confine political dissidents to particular areas without judicial authorization and thereby placed severe curbs on free movement.

The Riotous Assemblies Act prohibited every person from being in any area when he is satisfied that such person is "promoting feelings of hostility" between the European inhabitants on the one and any other section of the inhabitants of the Republic on the other.

The Internal Security Act empowered the Minister of Justice to issue an order imposing some restrictions on the freedom of movement and expression of any person who he is satisfied, advocated the achievement of any of the objects of Communism or is likely to do so.

LEGAL RESTRICTIONS ON FREEDOM OF SPEECH

Legal restrictions on freedom of speech falls broadly into three categories.

(i) Restriction of the kind of legal system, designed to protect the reputations of others, public, health and the integrity of the judiciary.

(ii) Restrictions imposed in the interests of internal security, which can often be equated with the maintenance of the status quo.

(iii) Restrictions in the interests of public morality which is synonymous with respect for the Dutch Reformed Church's arrow Calvinist ethic.

CONCLUSION

The above survey of the law of apartheid shows that the laws which constitute the foundation of modern South African society are discriminatory in the sense in which the term is generally understood. Some laws such as the pass laws and the job reservation laws openly discriminated by allocating rights unequally to blacks. Some such as the reservation of separate Amenities Act and the Group Areas Act, did not expressly provide for unequal treatment for blacks but in practice there was no question about their discriminatory effect.

Others such as race classification laws, the prohibition of Mixed Marriages Act and the Immorality Act, provided for racial separation but produced a sense of humiliation among non whites on account of their professed

goal to preserve the "racial purity" of the whites.

The whole system of apartheid assumes that widespread, almost invariably unfavourable to the non whites, exists and is enforced or countenanced by the law. Thus, the apartheid legal order serves both to institutionalize racial discrimination and to obstruct evolutionary social progress.

But we should look from a different perspective altogether as 'New South Africa' has emerged after the white man's mandate of "yes" on 17th March 1992 in favour of reforms and changes in the political system.

President De Klerk had announced repealing of three pillars of apartheid legislations: the Land Act, the Groups Areas Act and the Population Registration Act.

On the question of Land Acts of 1913 and 1936, which allow the whites to own 87% of the country's land; the government says that when these Acts are repealed, the Africans should buy land from the white. But two questions arise a) Did the whites buy the land from the blacks or did they grab it? b) Do the Africans have money to buy land? On this issue, the ANC position differed sharply with that of the government; the former wanting the land to be distributed free to the landless blacks. Political analysts say that when the land is offered for sale, it will be quickly grabbed by wealthy multinationals. Status quo will thus be maintained on the question of land.

The De Klerk package fell short of the demands by the ANC and others for the rulers of the ancestral land to an estimated 3.5 million blacks forced to move to nominally

independent and self governing homelands. African National Congress had this to say, " Land reform means land distribution." This document explicitly rejects land distribution.

African National Congress is committed to a fundamental land reform that will entitle all South Africans to equal access to land. ANC therefore refused to accept the government white paper as a land reform document.

On the other hand the Pan Africanist Congress's slogan is, 'Izwe-Lettu- the land is ours'. And it says it is fighting for the "return of the land to its rightful owners - the blacks". This view is, of course anathema to the whites with whom negotiations have to be conducted.

Building a post apartheid economy that will serve the interests of all South Africans is a crucial challenge for all those striving for a non-racial, democratic South Africa. This crucial question was discussed at a consultative workshop organised by the ANC and the Congress of South Africa Trade Unions in Harare. Here a document was adopted outlining policy proposals for a post apartheid economy.

The document talks loudly of a mixed economy in which the non-racial state would assume the leading role in the reconstruction of the economy Nationalisation would be an essential part of the reconstruction programme of such a state.

But despite the uphill task, the De Klerk

government can in no way shrink from the onerous responsibility which has been laid on its shoulders by the 'yes' mandate of the whites. The ending of apartheid and the ushering in of a democratic and non racial South Africa seems inevitable.

CHAPTER - III

ROLE OF ANC AND CONFLICT AMONGST BLACK ORGANISATION

ANC - AFRICAN NATIONAL CONGRESS

To include this chapter as an aspect of apartheid is to emphasize as to what extent does the chief anti apartheid organisation, the ANC has played its role in dismantling apartheid. ANC is not the only black organization, but there are other black organizations like Inkatha, the Pan Africanist Congress, the Black Consciousness Movement too. How far these factions amongst the black have proved to be an advantage or rather an obstacle is a question which haunts everybody's mind. Have these black organization been successful in serving their community's interest or have they proved to be an obstacle in the path of a democratic South Africa, needs to be discussed at length. But before discussing the various black factions, let us discuss about ANC, the chief, leading and the most important of the black organizations.

African National Congress

The African National Congress of South Africa was formed on January 8th, 1912 as a moderate pressure group for chiefs and middle class blacks. One of the architects of the modern ANC was no doubt Albert Lutuli³¹. He was not alone. Together with his colleagues; Kotane, Dadoo,

31. ANC speaks - Documents and Statements of the African National Congress, pp. 28.

Mandela, Sisulu, Tambo, Fischer, Mbeki, Nzo, Kathreda and many others he helped to bring changes in the ANC, changes which later made the ANC the mass movement, it is today. Their ideas are an embodiment of the aspirations of the oppressed Black majority of South Africa.

The African National Congress was formed to unite the Africans as a nation and to forge an instrument for their liberation. From the outset the African National Congress asserted the right of the African people as indigenous owners of the country, entitled to determine its direction and destiny. ANC rejected the claims of the European settlers to domination and fought against all attempts to subjugate them in the land of their birth.

The freedom charter - "vision of a people's South Africa" was adopted at the Congress of the people, Kliptown, South Africa on 26th June, 1955³². Nelson Mandela said in June, 1956 "The charter is more than a mere list of demands for democratic reforms. It is a revolutionary documents precisely because the changes it envisages cannot be won without breaking up the economic and political set up of present South Africa. To win these demands calls for the organisation, launching and development of mass struggles on the widest scale... If the united front is strengthened and developed the freedom charter will be transformed into a dynamic and living instrument and we shall vanquish all opposition and win the

32. Ibid, pp. 39.

South Africa of our dreams".

The charter says, ' We, the people of South Africa' on 26th June 1955, 'declare for all our country and the world to know: that South Africa belongs to all who live in it; black and white; and that no government, can justly claim authority unless it is based on the will of all the people, that our people have been robbed of their right to land, liberty and peace by a form of government founded on injustice and inequality...'.

STRUCTURE AND COMPOSITION OF ANC

Membership of the Congress is open to any person over the age of eighteen, who accepts its principles policy and programme and is prepared to abide by its constitution and rules. The ANC consists of the following organs: the National Conference, the Provisional Conference, the Regional Conference and branch meetings. Decisions of the National Conference and those of the National Executive Committee shall be binding on all members and lower organs of Congress. A member has the right to take part in the discussion and formation of the policy of the Congress to criticize any official or decision of the Congress; to take part in his branch and to his provincial executive committee. The Congress on the whole shall have perpetual succession and power, apart from its individual members to acquire hold and alienate property, enter into agreements and do all things necessary to carry out its aims and objects.

AIMS OBJECTS AND TASKS OF ANC

The aims and objects of the African National Congress is (a) to unite the African people in a powerful and effective instrument to secure their own complete liberation from all forms of discrimination and national oppression. (b) to promote and protect the interests of the African people in all matters affecting them. (c) to strive for the attainment of universal adult suffrage and the creation of a united democratic South Africa on the principles outlined in the Freedom Charter and. (d) to support the cause of the national liberation and the right to independence of nations in Africa and the rest of the world.

Since its inception the ANC set itself the task to be: (a) the true expression of the African nationhood, the symbol of African unity, and the instrument for their national emancipation. (b) An organization of a new type created to meet the complex and difficult situation arising from foreign domination and exploitation. The ANC was established for the purpose of destroying foreign domination and injustices in the political, economic and social spheres and to win back for the African people of South Africa, their rightful position as shapers and controllers of the destiny of their country.

The unity of the people of South Africa alone was not sufficient, what was of importance was that the whole of South Africans should be restored to their rightful position as the rulers of their countries. This fundamental

belief in the liberation of the whole continent was expressed in the slogan "Mayi buye iAfrica" (come back Africa)³³ and in its national anthem which is a solemn demand for the freedom and self determination of all the people of Africa.

The fundamental task of ANC was to face the enemy in the immediate arena of battle, in South Africa and Southern Africa, which is the fortress of reaction.

ANC'S STRUGGLE IN 1950s-60s - The Moderate Phase

In December 1949, the ANC adopted a programme of a direct action drawing on the experience of the war time bus boycotts and Gandhi's methods of passive resistance in India. The programme was the work of the ANC Fourth League founded in 1943 and drawing its support mainly from militant black intellectuals. Among the leagues leading members were Anton Lembede, Nelson Mandela, Robert Sobukwe, Oliver Tambo and Walter Sisulu.

METHOD OF STRUGGLE:

A variety of methods were used by the ANC boycotts, pass books, burnings, civil disobedience and stay aways (political general strikes).

The South African Communist Party encouraged Mandela, Tambo and other ANC leaders to see mass action as a means of putting pressure on the regime and of helping to mobilize 'enlightened opinion' among the whites and in the west. As a result, they helped to spread illusions that

33. Ibid, pp. 82.

apartheid could be removed peacefully. One leading South African Communist Party member wrote in 1958. "Revolution need not involve violence. There have been plenty of examples in history where a combination of factors have been compelling enough to make a ruling class give way for urgent and overdue changes, without dragging the people through the agony of civil - war"³⁴.

In the face of gravest injustices the ANC never once abandoned, the principle that all those who had their home in the country of Africans were welcome, provided only that they accepted full and consistent equality and freedom from all. In this way the ANC was not only bowing to history and reality but believed that it was correct in principle to make their position clear. Over and over again in the face of manifest inhumanity, the ANC absolutely refused to be provoked into abandoning its democratic principles.

Meanwhile, the state continually tightened the noose around the resistance, smashing strikes and demonstrations, detaining activists without trial, introducing repressive law.

The ANC's failure helped to provoke the formation by Robert Sobukwe of the breakaway Pan Africanist Congress in 1959. Nonetheless, the PAC used the same methods as their rivals. In 1960 Sobukwe launched a campaign of passive resistance to the pass laws. On 21st March police opened

34. Alex Callinicos, 'South Africa-the Road to Revolution', London, 1980, pp. 8.

fire at a PAC demonstration at Sharpville, killing sixty seven people. The huge stay away which followed was crushed by savage repression. The ANC and PAC were banned, a state of emergency declared and thousands arrested.

Mandela, the main ANC leader, called for a three day stay away to coincide ~~with~~^{with} the nationalist government's declaration of a Republic on 31st May, 1961, but it failed to get any response from the black working class who by now were exhausted and demoralised by more than a decade of defeats.

Congress for a longer time continued to state ^{that} the primary objective of Africans was the winning of political and civil rights within the basic framework of South Africa's existing parliamentary democracy. Underlying ANC policy was a streak of political pragmatism which stood in pointed contrast to the type of heroic romanticism that had inspired Lembede of Pan Africanist Congress to rhapsodize about Pan African utopias.

But in the wake of the failure to mobilize the black working class, ANC leadership in June, 1961 decided to resort to armed struggle. The greatest of these peasants revolts was in Pondoland in the Transkei³⁵.

In candid defence of the ANC's principles two years after ANC was banned and crushed as an organised movement Lutuli, one of the founders of ANC could look back with pride on ANC's principles and said, "... African leadership

35. Ibid, pp. 13.

for the past fifty years, with the inspiration of the African National Congress had set itself steadily against racial vaingloriousness. We knew that in so doing, we passed up opportunities for an easy demagogic appeal to the natural passions of a people denied freedom and liberty, we discarded the chance of an easy and expedient emotional appeal. Our vision has always been that of a non-racial democratic South Africa..."³⁶.

So we see that in June 1961 ANC launched, "Umkhonto We Sizwe(MK)", under its military wing concentrating on the sabotage of government property³⁷. It amounted to a basic challenge to the white state, at a time when mass resistance in the cities had effectively collapsed, the militants of "Umkhonto We Sizwe" made a tremendous impact on the movement and contributed in the formulation of an ANC political military strategy and doctrine.

Ben Turok, a member of MK, later wrote; the sabotage campaign failed on the main count, it did not raise the level of action of the masses themselves.³⁸. In July 1963, Mandela and Sisulu were captured in Rivonia and sentenced to life imprisonment or into exile. Apartheid it seemed had triumphed.

So we see that the African National Congress never abandoned its method of a militant non-violent struggle, and

36. G.M. Gerhart, 'Black Power in South Africa-Revolution of an ideology', , pp. 101.

37. Alex Callinicos, 'South Africa-the Road to Revolution', London, 1980, pp. 32.

38. Ibid, pp. 35.

creating in the process, a spirit of militancy in the people'³⁹. However, in the face of the uncompromising white refusal to abandon a policy which denied the African and other oppressed South Africans - their rightful heritage freedom no one could blame ~~them~~^{them} for seeking justice by the use of violent methods, nor could they be blamed if they tried to create an organized force in order to ultimately establish peace and racial harmony.

ANC'S ROLE IN 1970s - 80s - Period of revival of black resistance coupled with the new policy of detente

Black resistance to apartheid revived in the mid 70s. By the early 70s the white buffer regimes were beginning to crack under pressure from the national liberation movements. The South African regime had to face up to the fact that their buffer zone was disintegrating. They automatically changed course. Prime Minister John Vorster offered the black ruled states of Africa a new policy of 'detente- peaceful co-existence.

Thus in the 70s the ANC both as an overt political tendency and an organizationally separate underground wing experienced a rebirth compared with the dark days of the 1960s. The ANC's guerilla wing, 'Umkhonto We Sizwe', lapsed into virtual inaction in the years between the capture of almost all its active leadership at Rivonia and Soweto rebellion in 1964 and 1976 respectively.

39. Ibid, Quote by Lutuli.

1980 - Change in strategy of Umkhonto Guerilla Campaign.

The guerilla campaign of Umkhonto entered a different and more dramatic phase. The aim of accelerated sabotage campaign seemed to have been to select targets of considerable strategic or economic importance, thereby creating the maximum popular resonance and inspiring confidence amongst the black masses rather than sowing terror in the white community.

Put in broad perspective, the ANC's political tendency experienced a rebirth in the eight years that elapsed between the 1976 Soweto uprising and the formation of United Democratic Front. The renaissance from virtual political obscurity took place in a series of stages more or less in tandem with the revival of clandestine guerilla activities. The exodus of thousands of young men and women during and after the popular uprising not only fuelled 'Umkhonto We Sizwe(MK)', spear of the Nation with new recruits but also breathed, much needed new life into the exiled movement 'Umkhonto' was able to capitalize on the resurgence of mass defiance precipitated by the Soweto events in mounting a persistent and occasionally spectacular campaign of sabotage and low level guerilla activities. ANC's sabotage campaign served three separate yet inter related objectives in the political struggle. (a) to disrupt the economy and consequently, undermine the confidence of foreign investors, (b) to undermine white morale and damage the ideological underpinnings of the

apartheid regime; and (c) to catalyze black political consciousness in the direction of mobilising various forms of resistance such as strikes, go slows, mass demonstrations and street protests',

'While the scale and frequency of 'Umkhonto We Sizwe' attacks definitely broadened after 1978-9, the degree to which the sabotage campaign accomplished its intended results remained highly contentious'⁴⁰.

So we see that the ANC placed special emphasis on the armed actions of its military wing, 'Umkhonto We Sizwe' using ~~Umkhonto We Sizwe~~ ^{Umkhonto} ~~as~~ ^{as} (MK). But unfortunately this strategy of armed struggle is based on a mistaken analysis. What is at stake in South Africa is more than just a struggle for democratic right and national liberation. 'The black working class was not considered by ANC as the decisive force in the South African revolution. The idea that apartheid could be over - thrown through guerilla warfare was misleading'⁴¹.

The ANC therefore concentrated on urban guerilla warfare. These was no doubt ^{of the} ~~the~~ conduct of heroism of the MK fighters or of the popular support they enjoyed. But the various acts of serious military they mounted, represented ~~no severe~~ ^{severe} threat to the regimes.

Undoubtedly, the ANC is a major force now in the

40. Rich Paul, 'Insurgency, Terrorism and the apartheid system in South Africa', Political Studies, 32, 1984, pp.84-5.

41. Alex Callinicos, 'South Africa - the Road to Revolution', London, 1980.

struggle against apartheid and it has contributed to the insurrection under way. But the South African government regularly exaggerated its role. The South African government's stress on ANC 'bases' in neighbouring states seem to serve three purposes: (a) first, some in South Africa did really believe that the ANC and communism and not apartheid were the cause of the troubles and thus there, necessarily must be bases in neighbouring states; (b) even those who did not believe, it found it a useful propaganda of their white constituents and (c) it provided an excuse for attacking the neighbouring states, and thus a way of applying pressure on them. The purpose of such pressure included both political goals such as cracking down on anti apartheid statements by refugees and even the government, as well as economic goals such as trying to prevent SADCC (South African Development Co-ordination Conference) inspired delinking.

ROLE OF ANC AFTER MANDELA'S RELEASE

"I am a loyal and disciplined member of ANC... I am acting on my own initiative in the hope that organization will, in due course, endorse my action.... My task is a very limited one and that is to bring the country's two major political parties to the negotiating table", said Mandela in the Harare Declaration of August 1989 which encapsulated the guiding principles of the ANC" ⁴².

42. Joseph Hanlon, 'Beggar your neighbours', Catholic Institute, 1986, pp. 22

All was not well with the organization. Twenty five long years in exile made it lose touch with the South African reality, and the younger elements were showing impatience and a new kind of Fanonist militancy was rising. Oliver Tambo had been the most successful President. He had led the party through the post Rivonia wilderness and almost miraculously avoided a split within its ranks.

Settlement of the South African conflict was a long way off, but the government and its long standing adversary, the ANC took the first step on the road to peace which was of vital importance.

The preliminary talks between government and the ANC representatives in Cape Town from May 2nd to 4th ended amicably. Both sides agreed to continue the peaceful process of negotiation. Talks focussed largely on the contentious issue of violence. Government delegates pressed the ANC to abandon its continued public commitment to "armed struggle", arguing that its repeated justification of armed resistance added to the climate of violence. ANC men tackled the government on the shooting by police of unarmed civilians to exercise their democratic right to protest. The commitment to peace talks did not merely hold fast in the face of violence there had been actual progress. A joint government ANC working committee was established. Its work was to find a mutually acceptable definition of what are and what are not political offences, in order to speed up

the release of political prisoners, the granting of immunity to political offenders and the return of exiles.

As De klerk and Mandela edged their way towards the negotiating table each faced internal problems. De klerk had to deal with vociferous condemnation as a "traitor" by the right wing. Mandela had to contend with criticism from the Black consciousness movement and the Pan Africanist Congress who insisted that the time was not yet ripe for negotiations and that premature negotiations inevitably led to compromising the long term interest of the bulk of the black population.

July 1991 saw the first legal conference of the ANC held on South African soil for thirty years. Nelson replaced Oliver Tambo as movement's President with Walter Sisulu as Vice President. The ANC recommitted itself to a negotiated end to the South African conflict. It did so in the words of its newly elected President Nelson Mandela - in the knowledge that negotiations were a "terrain of the struggle". The U.S. move to lift sanctions was condemned as 'premature' by the African National Congress.

Nelson Mandela told the ANC conference - "Our position is clear Sanctions must continue to be maintained". The conference reportedly adopted a strategy for the phased lifting of sanctions to be linked to steps in the negotiating process' 43.

43. Guy Arnold, 'Is apartheid Dead', Labour Research, No. 80, Aug., 1991.

Besides, Nelson Mandela was not ready to partially share power on the basis of what is called group rights. De Klerk said: "White domination must end but we are not prepared to exchange it for black domination". He flatly rejected majority rule and offered some suggestions which included "the decentralisation of power," "constitutional checks and balances", "a strong and independent judiciary watching over a Bill of Rights" and "the requirements of consensus on controversial matters".⁴⁴

Thus the whites hoped to create a government organism in which they would have been able to exercise the right of veto on key issues.

The declaration adopted at the end of the historic conference summed up by saying. "Victory has not yet been won, the danger to repression continues to loom over the people and the possibility of a derailment of the negotiation exists"⁴⁵.

A wicked plank of preserving white privileges was said to be devolution - devolving central state power to regional governments, local authorities, associations and residents. Devolution came in the way of ANC's demand for a united South Africa.

Moreover, with black factional peace becoming a rare commodity, few could deny that a struggle for political

44. Shanti Sadiq Ali, 'Problems of Dismantling Apartheid', World Focus, New Delhi, Zoo 1990, pp. 9.

45. Dann Schechter, '11 days in June', Africa Report, African American Institute, America, Vol. 35, Sept. - Oct. 1991.

supremacy between Zulu Chief Buthelezi and ANC President, Nelson Mandela would mar the political future of the country. All this conflict amongst blacks, only added fuel to fire.

The ANC as aboard front can face the government better. Mandela and the ANC cannot struggle alone. They must have the backing of the world community. But Mandela seemed convinced that a change for the better was possible for South Africa..

ANC Versus other Black Organisations

A new South Africa can still emerge over the next two years but the negative, destructive forces inherent in the present political situation are very powerful. Following the release of Nelson Mandela, the year 1990 was devoted to political manoeuvring by all parties as they prepared for the hard bargaining over a future constitution.

The label, 'black on black' violence to describe the escalating factional ~~strife~~ ^{strife} among Africans in South Africa given by the white minority government and its police, is a deliberate misnomer which reveals that their instention to emphasize that conflict among the blacks is tribal' ⁴⁶. But the conflict is not just Zulu led by Buthelezi) Vs non Zulu, it is political. It is between a group associated with the apartheid structure (like Zulu's Inkatha Freedom Party led by chief Buthelezi) and those opposed to its role within the

46. Harisharan Chabra, (Forward Nelson Mandela), 'Colour of Violence', "South Africa - one year after Mandels's

release", African Publication, New Delhi, pp. 97

structure (ANC) ANC sources say that "black on black" violence is as much a misnomer as a description of the world war II as "white on white" violence. So the division among the blacks does not end on tribal lines. The ANC has some political rivals who may be for behind the former in appeal, organization and number, but have of course proved to be a great stumbling block in the peace talks for democratic South Africa.

Moreover, ruling National Party opened its membership doors to all racial groups, which was seen as a ploy designed against ANC. Political analysts said that the National Party hoped to win the support of non white organization that opposed the ANC. These organizations included the Labour Party of Coloureds and two parties of Indian Community, the Solidarity and the National People's Party, but mainly the Pan Africanist Congress (PAC) and the Inkatha Freedom Party and AZAPO (Azanian People's Organization). Apart from this anti ANC alliance, the Right Wing Conservative Party of the whites is also pitted against Mandela.

There was a time earlier this year (i.e. 1992) when it was felt that the ANC and the ruling National Party will join hands. But it appears that the National Party and Inkatha Freedom Party will become electoral allies to defeat the ANC in any future election. The National Party seems bent on encouraging tribalism in politics.

I repeat the quotation in the declaration adopted at the end of the historic legal conference in 1991 in South Africa. 'Victory has not yet been won, the danger of repression continues to loom over the people and the possibility of a derailment of the negotiations exists'⁴⁷. According to Mandela negotiations were a "terrain of struggle"⁴⁸.

The violence in Natal, where blacks are killing blacks has caused great anguish to Mandela. He used the occasion of a large rally in Durban to issue a dramatic plea for peace in Natal. Mandela urged his audience to help stop the fighting in Natal. He said, "Take your knives, guns and your pangas and throw them into the sea. Close down the death factories. End this war now"⁴⁹.

Thus, ANC's main problem is its relations with other minority black opposition groups. The Pan Africanist Movement (PAN), internal wing of the Pan Africanist Congress (PAC) organised recently and the Black Consciousness Movement (BCM) of late Steve Biko in 1975 are racial organizations which stood for "black power" and are against any negotiations with De klerk. They want all whites to be thrown out of South Africa and are against the Freedom Charter of the ANC which says that South Africa is for all those who live in it: blacks and whites.

47. Dann Schechter, '11 days in June', Africa Report, Vol. 35, African American Institute, Sept.-Oct. 1991, pp.48-54

48. Ibid., pp. 48 - 54.

49. Harisharan Chabra, 'Mandela's Release and After', World Focus, New Delhi, June 1990, pp. 4.

ANC Versus PAC

The PAC's slogan is 'Izwe Lettu' the land is ours and Africa for Africans', and it says it is fighting for 'the return of the land to its rightful owners - the blacks' ⁵⁰. The †PAN† Africanist Congress is recognized by the Organization of African Unity (OAU) as another group to reckon with. 'The ideological split between main the ANC and the PAC, which occurred in 1950, today represents a fundamental political divide in the country' ⁵¹. The PAC does not have much political clout today and have limited grassroots support. It comes nowhere near challenging the predominance of the ANC; their vow to fight to the end is endorsed by the radical elements impatient with the ~~slow~~ ^{slow} pace of change in the ANC.

Oliver Tambo explained the relationship between the ANC and PAC: "In a way we started from the point of Black-Consciousness too. We proved the ANC formed just Africans....But we have not stayed there, we have developed to the position where we expect all the people in South Africa to form a part of the movement for the transformation of the social, political and economic situation" ⁵².

There is no question in our struggle of black on one side and white on the other. We have passed that

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50. Shanti Sadiq Ali, 'Problems of Dismantling Apartheid', World Focus, New Delhi, June 1990.
51. Harisharan Chabra, (Foreword, Nelson Mandela), 'Mandela faces Tough Task', "One Year After Mandela's Release", Africa Publications, New Delhi, 1990.
52. Shanti Sadiq Ali, 'Problems of Dismantling Apartheid', World Focus, New Delhi, June 1990.

stage, the world has passed that stage. There are communities where there is no separation. The world is not black versus white world. And we have never been fighting for a South Africa in which the white people will be driven into the sea. If you are being objective, then you must accept that what you are doing is to mobilise and unite all the people for justice.

Many of the young people in the PAC are now in the ANC and they have broadened their vision of the issues in South Africa. Nevertheless, the PAC has continued to recruit new members and to maintain some clandestine activity.

As De klerk and Mandela made an effort to negotiate, no sooner both were attacked as 'traitors' in their own way. PAC insisted that time was not yet opportune for negotiations and that premature negotiations inevitably led to compromising the long term interest of the bulk of the black population.

PAC concluded that the ANC and the De klerk regime had made a secret deal to act in collusion to determine the shape and direction of CODESA (Convention for a Democratic South Africans) - a new form of union in which blacks would be co-founders and equal citizens and to set up an interim government in which they would draw power.

'Mandela's dream power of black unity appeared hearing realisation after the ANC and the PAC signed a peace pact on

June 13, 1990, in order to end inter party violence' 53. Apart from their mutual dislike of apartheid, ANC and PAC policies converged on one central point: their demand that the task of drafting a new non racial constitution for South Africa should be assigned to a constituents assembly, a nation which was rejected by De klerk.

But it is unlikely that PAC, FAM and BCM will join hands with Inkatha, but the racial organizations are dead set against the South African Communist Party (SACP) and the white liberals who are on the side of the ANC working for a non racial South Africa. After the release of Mandela, South Africa entered a critical stage in which everyone is manoeuvring for position. Mandela, must therefore act first and foremost as a unifier of all black groups and their white allies. ANC VERSUS INKATHA

As an African political organization operating within the structure of separate development Inkatha has inevitably become the subject of a vociferous debate concerning whether it undermines or underpins the white state. Buthelezi, the Zulu chief has definitely become a force to reckon with vis a vis Nelson Mandela, the ANC chief. But before discussing the differences between the two, let us trace the origin and development of Inkatha under Buthelezi especially and the party's strategy.

Buthelezi emerged to prominence in the 1970s as an

53. Patrick Lawrence, 'Year of Negotiations', Africa Report Vol. 37, African American Institute, America, Jan. - Feb., 90-92 pp. 48 - 50.

undoubtedly national figure. Precisely because he adopts often contradictory positions, Buthelezi has sparked off fierce ideological controversy as to whether he challenges or corroborates with Pretoria.

ORIGIN AND DEVELOPMENT OF INKATHA:

'The original Inkatha movement was launched in the 1920s by king Solmon as an attempt to mobilize popular support for the monarchy by resuscitating traditional forms, and to reduce tensions internal to Zulu society generated by the growth of social stratification resulting from the restructuring and dissolution of the pre-capitalist by the dominant capitalist mode. Although he had made a number of perfunctory efforts to resurrect it previously, it was not until 1975 that chief Buthelezi revived Inkatha Ya Kwazulu (subsequently called Inkatha Ye Sizwe) as a movement of 'National Cultural Liberation' whose declared objectives were to liberate Africans from cultural domination by whites; to eradicate racialism neo-colonialism and imperialism, to abolish all forms of racial discrimination and segregation; and to uphold the inalienable rights of Zulus to self determination and national independence which is not seen as conflicting with the search for a National Convention of Leaders of all South Africa's racial groups to develop a frame work for the sharing of power and a progression to majority rule' 54.

54. Roger Southhall, 'Buthelezi, Inkatha and the Politics of Compromise Vol. 80, No. 321', African Affairs, Royal African Society, London, Oct. 1981

IDEOLOGY OF INKATHA FREEDOM PARTY & ITS STRUCTURE & STRATEGY

According to its ideology, Inkatha is not a sectional party but rather a national movement open to all blacks, in practice endorsed by the Kwazulu Legislative Assembly as the highest council of the Zulu people. Presidency is confined to persons who qualify for the latter office which is restricted to hereditary Zulu chief. By the criterion of membership, it has become the largest black political organization in South African history. Being formally open to non Zulu, Inkatha is characterized by Buthelezi as going beyond tribal lines, but in practice about 95% of the paid up membership is Zulu speaking and is rural based. Inkatha is seeking to consolidate its position in the townships so that it may achieve a more even balance. But to large extent, Inkahta's successful expansion would appear to be funded upon its leaders personal following Buthelezi's credentials as a contemporary leader are based particularly upon his carefully fostered reputation as a wily opponent of the government a forceful spokesman of African interests and an outspoken critic of apartheid.

He first developed this appeal, when from the moment he assumed his chieftancy in 1953, he skilfully resisted the imposition of the Bantustan strategy upon Zululand, maintaining that to implement the Bantu Authorities Act of 1951 the government first required consent which it did not have; he consistently declared himself a reluctant participant in separate development.

The royal forays into the political arena encouraged the Inkatha leadership to secure the movement's dominant position by the adoption of the single party, mass mobilization model.

Inkatha has adopted what it terms a multi strategy towards liberation whereby it has made necessary adjustment to the politics of reality. This involves the pursuit of a non-violent course. Buthelezi is of the view that only the wholesale abolition of apartheid would provide a lasting peace but a partial dismantling of racial laws and the absorption of more blacks, into government, might minimize the scale of impending violence. Armed confrontation will likely lead to a 'destructive holocaust' so that it is necessary to recognize the role of the democratic opposition to apartheid, whose dynamic growth can serve to limit violence and perhaps even prevent it. On the other hand, Mandela took up armed violent struggle against apartheid when he saw that government was violently suppressing even the peaceful demonstrations,⁵⁵. Moreover of late the younger elements in ANC were showing impatience and a new kind of militancy. This was because twenty-five long years in exile made ANC lose touch with the South African reality. Inkatha, therefore, may be characterized as a people's movement for radical peaceful change, whose strategy is one of pragmatic survival characterized by a

55. Ibid., pp. 453 - 81

determination to use the limited possibilities available for immediate political advantage.

Buthelezi's place in South African politics was more clearly defined by his role during the Soweto revolt. Together with the other homeland leaders, he condemned the government for failing to respond to legitimate black grievances and thereby undermining non-violence as a viable formula for change.

ANC's DIFFERENCES WITH INKATHA

Soon after Mandela's release in February, 1990, Buthelezi got scared with the ANC's and Mandela's stork going up especially in 'Transvaal'. He made an effort to cut Mandela to size and to stop the growth of ANC's political influence. It may be underlined that Buthelezi does not want Mandela to win all the laurels during negotiations with the De klerk regime. The Inkatha leader also wants to be counted as a factor in negotiations. As the self proclaimed leader of the six to seven millions Zulu in South Africa, Buthelezi has always been opposed to the ANC's influence in Natal especially after Mandela's release, since the latter's release Buthelezi has had to fight for his own political survival.

Township violence which became wide spread in Natal and the Transvaal, had been a major obstacle to the negotiations. The ANC government condemned the De klerk's government for not taking serious measures to curb the

violence. Government was caught giving firm backing to Inkatha which the anti-apartheid movement held responsible for most of the attacks.

The negotiations almost came off track by the end of 1990, when Mandela began black the state security forces for encouraging the black factional violence between Buthelezi's Zulu based Inkatha Freedom Party and the supporters of the ANC. In return the state security forces blamed the ANC for violence thus absolving the Inkatha of its criminal record. The best thing that could happen was a long delayed meeting on January 29th 1992, between Mandela and Buthelezi in Durban, on the question of containing the escalating black factional violence in South Africa that claimed thousands of lives. The government did nothing to stop the violence rather an impression was created that the government was happy that the black majority was divided.

With black factional peace becoming a rare commodity in South Africa, it is hard to see how the two could completely bury the hatchet, especially when Buthelezi claims to be the unchallenged leader of six to seven million Zulus and keeps talking of his Zulu nation. If not given a status, at least equal to Mandela during the negotiations with the government, he could play the role of a spoiler. One must look at Buthelezi's two faces to understand him better. First as the Chief Minister of Kwazulu homeland, he has been

an active collaborator with the apartheid system, and second he is opposed to the ANC.

As a leader of the Kwazulu homeland, Chief Buthelezi is hand in glove with the apartheid regime and Mandela has been loudly blaming the state security forces for being on the side of the Inkatha's killers. It is of course in the interest of the racist regime to keep the blacks divided. And Chief Buthelezi, in his battle for political survival, could not hope to have a status higher or at least equal to Mandela's, once the situation in South Africa is peaceful.

A look at the political positions of the two groups will explain the cause of pessimism.

First, the most important, the ANC was banned when it took to armed struggle and guerilla activities after the Sharpsville massacre of March 1960, while the Inkatha leader took to homeland politics, thus becoming a direct beneficiary of the apartheid system. Chief Buthelezi's much publicised demand for the scrapping of apartheid is nothing but an eyewash.

Secondly, the ANC uncompromisingly supported the application of economic sanctions against South Africa when it was banned and even after it was unbanned. But the Inkatha always stressed that sanctions hurt the blacks even more than the white minority government, in other words voicing against sanctions' 56.

56. Harisharan Chabra, (Foreword Nelson Manedla), "Little Hope for Reconciliation", 'One Year After Mandela's Release', Africa Publications, New Delhi, 1991, pp. 109.

Thirdly, while the ANC came out with a socialist-oriented programme comprising harsh elements like nationalization of mines and banks and redistribution of wealth, Inkatha is open for free market economy.

Fourthly, the ANC made a call for an interim government and the setting up of a constituent assembly elected on a one person one vote basis but the Inkatha kept quiet in these issues. Chief Buthelezi seemed quite happy to continue as Chief Minister of the Kwazulu homeland.

Lastly, the ANC is waiting when the sham constitution containing tricameral parliament of the whites, Asians and the coloureds, and which denied franchise to the black majority, would be thrown away in the dustbin of history.

If one were to see the situation dispassionately one would be obliged to look at the fundamental differences between the ANC and the Inkatha, two important centres competing for power in a new South Africa. In the new dispensation, that is in post apartheid South Africa, the ANC is for nationalisation and redistribution of wealth, as I have said earlier, while the Inkatha is mortally opposed to socialism and is for free market economy. At the economic level, Inkatha advocates any move that may contribute to the incremental improvements of blacks situation. Inkatha's economic strategy is further based upon a rejection of unfettered capitalism which is acknowledged to have built the South African economy but only at too great a cost, Buthelezi has prescribed for

Inkatha an ideology of 'African communalism - a form of socialism as emanating from Tanzania and Zambia'⁵⁷. This system, he asserts, encourages private enterprise, yet protects the people as a whole through state owned organization which have controlling interest in all economic enterprises and which operate to inhibit the tendency of capitalism, to divide people into the rich and poor.

To conclude, Buthelezi tried to promote the image of Inkatha as the internal wing of the ANC. His oft-cited argument was, that the diverse liberation groups should reconcile their tactical differences and appreciate each others contribution in challenging apartheid. But repudiated by the ANC, rejected by the supporters of Black Consciousness Movement and rebuffed by Motlana, Desmond Tutu etc.. Buthelezi is now almost alienated from the country's black youth. Thus after its initial period of spectacularly rapid growth, there were indications that Inkatha's base had begun to crumble as Buthelezi moved towards more open negotiation and collaboration with the apartheid regime.

But the role of Buthelezi, as Inkatha's leader has been crucial, for he has not only combined the potentially contradictory tendencies of Zulu traditionalism and African nationalism but also blended vocal, anti-apartheid criticism with political pragmatism as a major dilemma for the regime concerning his reliability as a co-operative adjutant.

57. Roger Southhall, 'Buthelezi, Inkatha and the Politics of Compromise', African Affairs, Vol. 80, No. 321, African American Institute, America, Oct. 1981, pp. 453-81.

CHAPTER - IV

ROLE OF UN IN DISMANTLING APARTHEID

The existence of the government of South Africa's apartheid policy which was racism in its most extreme form was a challenge of the same moral order (till the white referendum on March 17, 1992) as slavery in the eighteenth century or the Nazi persecution of the Jews in the twentieth century.

Today, when the UN Charter exists as the basis of international law and when the nation states of the world have all pledged their allegiance to and support for the principles of the Universal Declaration of Human Rights, apartheid was allowed to flourish unchecked and was even strengthened by the support of powerful members of the world community.

In the General Assembly by a large majority, the nations branded apartheid as a 'crime against humanity'⁵⁸ and argued that it was sui generis; that because of its unprecedented nature, it overrode the principles of non-intervention in the domestic affairs of a state. It is impossible therefore to escape the conclusion that by its own judgement, the continued existence and extension of apartheid constituted a great moral failure on the part of the world community. The independent African states, too

58. Yassim El Ayouty and Hugh C. Brooks, 'Africa and International Organisation - South Africa's Apartheid Policy', USA, pp. 110-14.

saw as a very real possibility, the black-white struggle as becoming identified with the cold war.

How oppressed, in fact, was the racism of South Africa and was the change justified, that apartheid, the dominant factor of the Southern African situation was a crime against humanity? All the evidence amassed by the UN since it first began consideration of this question showed that apartheid was indeed such a crime.

When members of the UN used the phrase "a crime against humanity" in referring to the apartheid policies of the South African government, they were not just expressing indignation at the cruelties inherent in apartheid. They were using a phrase which expressed a concept of international law formulated in the Charter of the International Military Tribunal under which the Nuremberg trials were held in 1945-46. The Tribunal's Charter listed murder, extermination, deportation and enslavement of populations as crimes against humanity⁵⁹. The principles recognized in the Charter had been affirmed by the General Assembly and its direction had served as the starting point for the wider development of the concept of crimes of this nature.

The accumulated evidence of the past so many decades clearly showed a calculated assault, on the rights of the African population that was of such intensity and scope that

59. Ibid, pp. 118-20

it amounted to a crime against humanity; both in terms of international law and in terms of normal and accepted standards of justice and equity.

The South African government's Bantustan policy as carried out against the will and interest of non-white population, for example, clearly constituted the dislocation and deportation of the people. Apartheid in its entirety resulted in the enslavement of the blacks. They were not bought and sold, but the laws and regulations which enforced apartheid had stripped away, one by one, from the blacks, those attributes which characterized a free man, and had therefore left him enslaved. While it may be claimed that there were many states where racial discrimination is practiced and where people are denied basic human rights, no state besides South Africa had the distinction of enforcing a system that infringed almost every article of the Declaration of Human Rights, as a study made in 1967 by the International Commission of Jurists had shown⁶⁰.

Rarely had the policy of an individual government attracted as wide attention throughout the world as the racial policy of South Africa. It had been discussed in several organs of the UN in specialised agencies, and in several other international and regional inter-governmental organizations, in the Parliaments of many countries and in numerous non-governmental organizations.

The question of South Africa's racial policies had

60. Ibid.

been before the UN, in one form or another since 1946⁶¹. In this very year UN was seized with the problem of racial discrimination in South Africa and with South Africa's moves to annex Namibia. Since then the UN action on Southern Africa had evolved from mere appeals to attempts to apply sanctions and other forms of pressure, and finally wide ranging programme of international action at governmental and non-governmental levels. In 1946, Asiatic Land Tenure Act and the passive resistance campaign of the Indians were the first racial policies to have come up before the UN, on the ground of the kind of treatment meted out to the people of Indian origin in South Africa.

Year after year, the UN organs held discussions, passed resolutions and made appeals to the South African government, to adjust its policies in accordance with the principles of the Charter. Again and again the South African government reiterated that the matter was essentially within its domestic jurisdiction under the terms of Article 2, paragraph 7, of the UN Charter and that the resolutions of the UN were ultra vires.

Not only had the South African government not abandoned the policies of apartheid and racial discrimination, but it had filled its statute books with more and more apartheid laws and implemented them with increasingly severe measures against those resisting these laws. Shooting of peaceful

61. E.S. Reddy, 'Apartheid - the UN and the International Community', Vikas Publishing House, New Delhi, 1990.

demonstrators against the pass laws, by police in Sharpsville, formed a turning point in the UN consideration of the South African problems.

The worldwide concern was reflected in the fact that the matter was considered urgently by the Security Council of the UN at the request of twenty-nine member states. The UN had dealt with South Africa for decades, recognising as early as 1952 that apartheid would inevitably cause conflict.

On April 1st 1960, the Security council adopted a resolution recognising that situation in South Africa was one that had led to international friction and which if continued 'might endanger international peace and security'⁶². The South African government, did not accept this resolution and instead proceeded with the declaration of the state of emergency, the banning of the ANC and the strengthening of its security forces.

On November 6, 1962, the General Assembly adopted a resolution requesting member states to break off diplomatic and economic relations with South Africa and to refrain from supplying arms and ammunition to that country. The General Assembly concluded that the application of economic sanctions was the only effective peaceful measure left to the UN in its attempt to bring about an end to apartheid. Member states of the UN had been urged to terminate all diplomatic, consular and other official relations with South

62. Ibid.

Africa; to terminate all military, economic and technical co-operation; to end tariff and other preferences to South African exports, to suspend cultural, educational and sporting exchanges; to take steps to prohibit financial and economic interests under their national jurisdiction from co-operation with South African government and to prohibit airlines and shipping lines registered in their countries from co-operating with the government of South Africa.

The UN General Assembly had specifically condemned the Bantustan policy as fraudulent, and ^{as} a violation of the principle of self determination. Of these provisions only the embargo on the supply of arms to South Africa, the declaration on the legitimacy of the struggle of the liberation movements and the appeal for humanitarian aid to the victims of racism had been either supported in principle or declared mandatory as in the case of the arms embargo by the Security Council.

Economic sanctions meant a ban on restriction on trade and trade-related activities against South Africa. Trade sanctions prohibit or restrict exports and imports, and trade related sanctions referred to restrictions on investment, shipping, banking, insurance etc. The purpose of sanction was to create economic problems within South Africa which would force the government to abandon the policy of apartheid.

Neither the economic and other sanctions called for by the General Assembly nor the arms embargo were being

effectively observed and these measures had no chance of success unless they were supported by the major industrial powers of Western Europe (i.e. Britain, France, West Germany, Italy, Belgium), by the United States and by Japan. They are the nations with which South Africa conducted the bulk of her foreign trade and which have large investments in the South African economy. Studies by economic experts, submitted to the International Conference on Economic Sanctions against South Africa, held in London in 1964, showed that if all nations except these, stopped trading with South Africa, the result would be negligible. On the other hand it was shown that South Africa's "open economy" was vulnerable to economic pressure from all her main trading partners acting in concert. And yet trade by these countries increased in the 10 years following the outbreak of international indignation over the Sharpsville massacre of 1960. Britain is South Africa's main trading partner, the US being the second most important one. There should be no doubt in anyone's mind that when a government or private concern condones, encourages or extends trading relations with South Africa, or investments in the South African public or private sector, it is giving material support and no less importantly - moral support to the continuation and strengthening of apartheid.

The UN has been able to play a key role in promoting an impressive world alliance against apartheid - an alliance of governments and organisations, but powerful vested

interests had been able to frustrate concerted and decisive action. While there remained serious differences as to the appropriateness, desirability and effectiveness of some of the concrete measures which may have been taken by the UN, a very wide area of agreement had been achieved by practically the entire membership of the organisation and was reflected in unanimous resolution of the General Assembly and the Security Council.

There was no more hesitation regarding the competence of the UN to consider the situation in South Africa nor any conviction that mere appeal and cohortations to the South African government would be fruitful. The UN was firmly convinced that a positive alternative to apartheid and racial discrimination must be found through peaceful means and that this alternative should ensure the full, peaceful, and orderly application of human rights and fundamental freedoms to all inhabitants of South Africa, regardless of race, colour or creed.

However, as I have said earlier, the most disconcerting aspect of the trade carried on with South Africa by her main trading partners was their non-compliance in varying degrees, with the arms embargo imposed against the Republic by the Security Council. The Security Council solemnly called upon states in 1963 to stop the sale of arms, ammunitions of all types and military aid to South Africa, and also equipment and materials for the manufacture and maintenance of arms and ammunitions in South Africa. The embargo imposed in 1963 was reviewed and strengthened in

1964 and 1970. It was the only measure taken by the UN against South Africa that had mandatory force but it has either been hedged around with reservations or treated with open defiance by France, Britain, the USA and other lesser trading partners of South Africa.

An unreal distinction was made between arms for internal repression and arms for South Africa's external defence. The Security Council resolutions of 1963 and 1964 had made no distinctions between types of arms supplied to South Africa, but in the light of the increasing number and gravity of violations of these resolutions, particularly by France, the Security Council resolution of July 1970 was designed to close any loopholes that might have existed in the earlier resolutions. It called upon all states to strengthen the arms embargo by implementing it unconditionally and without reservation.

No member of the UN could really be unaware of the fact ^{of} ~~that~~ ~~to~~ supporting South Africa's capability for repression - ^{itself} ~~of~~ a regime ^{living} in fear of retribution. It goes without saying that when permanent members of the Security Council ignore a mandatory decision of the Council, they seriously undermine not only the Council's effectiveness and authority, but also that of the Charter itself.

A majority of the UN membership was convinced that if all the resolutions against apartheid passed by the General Assembly and the Security Council were to be implemented,

the effect of the economic and moral pressure would be profound. But as has been shown, the very nations which alone could make these resolutions effective were the ones, which, because of their financial interests in South Africa, had always opposed meaningful action by the UN. They argued that it was unwise to propose and pass resolutions, which were not likely to be fully observed. Once anti-apartheid resolutions were "on the books", they hedged them around with reservations to excuse their non-compliance. The same nations were also the ones which were not even prepared to take part in dialogue on the question of apartheid within the UN.

So if the nations of the world community claimed absolute freedom of action, then there was little hope for the realisation of a new world order predicted on the concern for human rights and a desire for international peace and security. UN said, apartheid was a matter which transcended the normal restraint placed by the Charter on interference in the internal affairs of a state. In short, it must be classed among the great crimes against humanity and must be treated as such.

The General Assembly Resolution of December 16, 1963 invited member states and organisations to contribute generously, to provide relief and assistance to families of old persons persecuted by the South-African government, for their opposition to the policies of apartheid, which suggested ^{that} this resolution, sent an appeal to all member states to make contributions and to encourage organisations

in their countries to make contributions for this purpose. It emphasised that such contributions would not only serve a humanitarian purpose, but would help counter the growth of racial bitterness in South Africa.

In June 1964, the Security Council invited the Secretary General to establish a programme for the education and training abroad for South Africans. So because of the incalculable dangers of violent conflict in South Africa, the urge for a peaceful solution was a common feeling in the UN. Those who advocate economic sanctions call for them as a means for a peaceful settlement. The purpose of economic sanctions in their view was not to damage the economy of South Africa, as to create chaos or to take revenge. It was fortunate that this matter was within the purview of the UN, for the UN couldn't develop a consensus for revenge for the past but only for a solution for the future. It may be that the pressure of international opinion held the key to preventing bloodshed and promoting a peaceful adjustment. But international opinion could only be effective if it was informed objectively of the situation in South Africa, and if it approached the problem without self-righteousness but with due respect for the pride of the people of South Africa.

MEANS ADOPTED BY UNITED NATIONS IN THE TASK OF DISMANTLING APARTHEID

UN organs perform their tasks by constantly reviewing the development concerning apartheid, by granting hearing to

the movements of the South African people and others engaged in the struggle against apartheid; by making recommendations and appeals for action by governments, non-governmental organisation and the public; by promoting assistance to the victims of apartheid and to the movements engaged in the struggle against apartheid; by encouraging appropriate public action; by organising conferences and seminars and by publicising inhumanity of apartheid. These activities are focussed on five main lines :

a) Diplomatic, Economic and other Measures

In the view of the great majority of the member states of the UN, as reflected in General Assembly resolutions, 'diplomatic', economic and other sanctions are an essential means of achieving a peaceful solution of the grave situation in South Africa.

The Security Council recommended an arms embargo against South Africa and many states, including the traditional supplies of military equipment to South Africa. A number of states had broken diplomatic and other relations with South Africa, or refrained from establishing such relations. A number of states had also taken economic and other measures as recommended by the General Assembly. But these measures have had little concrete effect, as they were not supported by the major trading partners of South Africa. The General Assembly continued to recommend these measures to deplore the increasing co-operation of certain states and foreign economic interests, with South Africa in the military,

economic, political and other fields and to call on all organisations to launch campaigns for the creation of such co-operation.

(b) Assistance to the oppressed people of South Africa and their liberation movement

UN organs recognised the legitimacy of the struggle of the oppressed people of South Africa for freedom and appealed for assistance to their national movement, directly or through the Organisation of African Unity(OAU). The UN Trust Fund for South Africa made grants to voluntary organisations and other appropriate bodies for the provision of legal assistance to persons persecuted under discriminatory and repressive legislation in South Africa and assistance to their families and to refugees from South Africa.⁶³

(c) Action on violations of human rights and trade union rights

UN organs paid special attention to violation of human rights and trade union rights in South Africa and in particular to the detention, imprisonment and restriction of numerous persons under arbitrary laws for their opposition to apartheid and to the frequent reports of ill treatment and torture of political detainees and prisoners. There had been frequent appeals to government to exert their influence, to persuade the South African government, to put an end to such gross violation of human rights which seriously

63. Olav Stokke and Carl Widstrand, 'South Africa', (United Nations - OAU Conference), Papers and Documents, Oslo, 1973.

aggravated the situation in the country. UN organs also encouraged public campaigns on these issues.

(d) Dissemination of information on apartheid

UN organs also paid great attention to the widest dissemination of information on the evils and dangers of apartheid with a view to securing greater support from international public opinion for the efforts to eliminate apartheid. A unit on apartheid was established in the UN Secretariat to promote publicity on apartheid in consultation with the Special Committee on Apartheid and in co-operation with the office of Public Information⁶⁴. The observance of the international day for the elimination of racial discrimination on 21st March 1992 helped to promote publicity⁶⁵.

(e) International campaign against apartheid

Firstly, there has been an increasing recognition by the UN that the policies and actions of South African government aggravated the situation in the whole of South Africa. Secondly, the need for co-ordination in action on apartheid among UN organs and with specialised agencies became essential. Thirdly, there was an increasing emphasis in recent years on the need for close co-operation between the UN and the Organisation of African Unity (OAU), dealing with the problem of apartheid. Fourthly, the campaign by non-governmental organisations against apartheid spread to wider segments in the recent years.

64. Ibid.

65. Ibid.

65. Ibid.

Campaign was intensified with the following goals.

- (i) Discontinuation of all military, economic and political collaboration with South Africa;
- (ii) Cessation of all activities by foreign economic interests which encouraged the South African regime in its imposition of apartheid;
- (iii) Condemnation of torture and ill-treatment of prisoners and detainees in South Africa;
- (iv) Discouragement of emigration to South Africa especially of skilled workers;
- (v) Boycott of South Africa in sports and in cultural and other activities.

IMPACT OF SANCTIONS AN SOUTH AFRICA

The implementation of even limited sanctions did not only isolate the regime but complicated the bad economic situation within the country. South Africa was caught in a situation where it could not sustain a satisfactory rate of growth. During the 1960s, the average annual growth rate of GDP was exceptionally high like that of the economically advanced countries, i.e. annual rate of 7.5%. But it fell sharply to a mere 3.9% per annum during the 1970s. The country passed into severe sucession after that⁶⁶.

Nearly half of the decline in economic growth had been due to the fall in agricultural production. Maize is the staple food of the population and most important single item

66. Harjinder Singh - Continuation of Sanctions - World Focus, New Delhi, June 1990, pp. 16-20.

in South African farming. But the production of maize decreased from 11 million tonnes in 1974 to only 7.5 million tonnes in recent years. This turned the country from a major exporter of agricultural commodities into a major importer.⁶⁷

Apartheid and gold, the two images which most frequently come to mind when speaking of South Africa, depend upon each other's existence for their mutual survival. The gold industry has been the main driving force in the apartheid economy for its expansion. It has provided not only increased income but also attracted foreign capital and brings the maximum revenue to the racist regime. Recently there have been developed trends both in production and price of gold. 'Gold production at 855 metric tons in 1973 decreased to 605 metric tons in recent years.'⁶⁸ Consequently, South Africa's role as a world supplier of gold has decreased. These developments exerted a negative impact on the economy of South Africa.

An important factor which complicated the economic situation in South Africa was the fall in foreign investments. As a result South African economy was displaying signs of rapid decay. The bulk of foreign investments in South Africa took place between 1960 and 1980 when the rate of return was between 15% and 30%. Downward trend in investments started for economic reason at the

67. Ibid.

68. Ibid.

beginning of the decade, and accelerated in the last three years for political reasons. Total US investment, (US is the second largest foreign investor in South Africa after UK) dropped by 28% between 1981 and 1986. Several of the most prominent US companies such as the Union Carbide, reduced their stakes in recent years. These developments have had disturbing effects on the economy of South Africa because it is structurally dependent on foreign investments.

The effects of the fall in foreign capital on employment in South Africa was not just due to economic reasons. It was largely fuelled by one of the side effects of apartheid, that is, the fall in the flow of foreign capital. Due to unrest in South Africa, many transnational corporations had stopped their investments in that country. Unemployment of one worker meant poverty and slum for six to seven people he supported.

The most disturbing news for the South African regime was that a large number of whites were leaving the country annually. The flow of immigration was now less, as South Africa had lost its reputation as a country of high returns on investments. Consequently there was a shortage of technically trained personnel in the country. There was tension and uncertainty within different ethnic groups. The incidence of psychological illness had reached alarming proportions in South Africa.

South Africa developed a big appetite for imports as it had for foreign capital. A large increase in imports came

about as industrialisation in the post-second World War period gathered momentum. By 1980, South Africa's official figures showed that the value of imports was equal to 21% of its GDP. From 1981 to 1988, the rate of imports was between 10% and 20% per year. South Africa's eagerness to import derived from the inability of its own industry to produce the most advanced items and components it required. South Africa is rich in minerals and many raw materials. But it is basically deficient in two important areas, oil and armaments.

Import of oil to South Africa remains a critical and increasingly expensive factor for the regime's survival. The situation worsened when the new government in Tehran terminated shipments of Iranian oil which formerly met 90% of South Africa's oil requirements. Although efforts had been made to develop alternative energy sources, the 'saseel coal to oil project' would provide less than half of South Africa's oil needs when the plants started their full production.

South Africa's massive war machinery is heavily dependent on imported arms and related items. It has been estimated that South Africa had to spend an additional 2100 million US dollars per year to circumvent the present international arms embargo; atleast 30% of the weapons and equipments from abroad. Further some 80% of the components of armaments that its own industry produces, are foreign made. Since the imposition of UN arms embargo in 1977, South

Africa sought to convey the impression that it was self-sufficient in armaments production and that future sanctions would have little effect on its ongoing military build up. This is a myth, as large number of documents demand, that major military items had continued to be supplied by the United States.

UN's action against apartheid has had some important side-effects which are significant in relation to the total change in the balance of forces. It stimulated the growth of anti-racist movements in many countries. Action initiated by anti-apartheid groups against companies investing in South Africa spread the movement for the recognition of corporate responsibility in general.

The anti-apartheid movement and the UN's Special Committee against Apartheid were established around the same time, in response to the appeal of the leaders of the movement for freedom in South Africa. They were both intended to meet the need for constant efforts to inform public opinion of the crimes of apartheid and the struggle of the oppressed people of South Africa to promote the isolation of the apartheid regime and to encourage moral and material assistance to those struggling for freedom.

An important aspect of international opposition to apartheid was the significant role played by non-governmental organisations in many countries in promoting and carrying out programmes of action. Some of these non-governmental organisations had played a more important role

than many governments.

In the early post-war period, the struggle in South Africa took the form of passive resistance campaigns under the leadership of ANC and South African Indian Congress. The effectiveness of such campaigns generally depends first, on the number of volunteers who were prepared to risk imprisonment and persecution for their benefits and second, on the public support they gained.

WESTERN POLICY ON APARTHEID

The Western states particularly the Western permanent members of the Security Council and Federal Republic of Germany (FRG), were largely responsible for tragedy in South Africa, together with the transnational corporations, financial institutions and other vested interests in their countries because of their collaboration with South Africa. Supplies of military equipment, technology and training had also been massive, despite the UN arms embargo since 1963. Western countries were claiming that they were not supplying arms for repression. They were not supplying rifles and batons which Pretorian regime did not need, but only military aircrafts, warships and so on.

The Special Committee against Apartheid had given three reasons why the Western powers interests concerned the collaboration with apartheid and black international action for the elimination of apartheid. The first was the profit motive. The second was the continued influence of racism in Western and other countries. The racist elements in the West

supported and fed on apartheid in South Africa so that the struggle against apartheid in South Africa, was linked to the struggle all over the world against racism. The third, was the cold war which seemed to persuade some Western powers or leaders of military brass that apartheid in South Africa was a valuable ally and should be accepted as a member of the free world even at the risk that its admission would totally discredit the "free world" in the eyes of most of humanity.

The Special Committee could only depend on public opinion in the Western countries to persuade the governments to dissociate themselves from the current approach of US - to persuade the US and not to be influenced by its errors - so that the Western world could count on respect and good will in the rest of the world.

The fact that the Pretorian regime had been able, because of the protection by Western powers to bully some neighbouring states and obliged them to accept the offer of a truce, did not make the regime peaceful.

The UN had repeatedly and unanimously defined apartheid as a crime against the conscience and dignity of mankind. The crime had continued for too long, causing immense suffering to the people of Southern Africa and undermining efforts for a just international order. It was time that all those who were outraged by apartheid would not only renew their commitment for freedom, but prevent all collaboration with apartheid, and ensure all necessary assistance to the

oppressed people to destroy apartheid and gain their inalienable right to freedom and human dignity.

Over the years, Britain, United States and West European companies and finance houses had helped to build apartheid and were continuing to promote it over a long period of time. Flourishing trade and foreign investment permitted the apartheid regime's economy to fund ever-increasing expenditure on the state's repressive machinery - new technology flowed in to help refine that machinery and make it more efficient. Military collaboration brought in arms and built an armaments industry.

It was clear that these international connections were helping to sustain the very forces the ANC and others were fighting. Hence, as the battle lines for the 1960 were being drawn, an appeal was made to the international community to stop this aid flowing to the apartheid South Africa.

CASE FOR SANCTIONS

South Africa was going through an economic crisis, and the implementation of sanctions had complicated the economic situation -sanctions isolated the racist regime. These, internal and external developments compelled De klerk to announce certain concessions to the black population. The government first of all, abolished the pass law and there was no restriction on the flow of blacks into white areas and pressure was also mounted on the South African government to start a dialogue with black leaders.

Welcoming these positive changes in South Africa and on

the basis of these positive developments, British Prime Minister Margaret Thatcher decided on an immediate lifting of some sanctions against South Africa including the end of a voluntary ban and on new investments and the restoration of tourist links with Britain, defying world opinion. Her defence was that the 'racist' regime had already made a good beginning towards reforms by releasing Dr. Mandela and cancelling the ban on the African National Congress. Infact, Mrs. Thatcher was against the implementation of sanctions from the very beginning. She pleaded for incentives to persuade the South African government to relax some of its repressive laws. Rev. Dr Frank Chikane, General Secretary of the South African Council of Churches described the British action as 'outrageous'. Barring Portugal, no other EEC ~~number~~ ^{member} could be convinced that the time was ripe to ease pressures on the South African government.

The Commonwealth Committee of Foreign Ministers on South Africa, which met in Nigeria in May 1990, also opposed relaxation of sanctions against South Africa and urged the international community to continue to act in concert against apartheid. It stated, "Now is not the time to lift sanctions, because steps which Pretoria has taken so far fell short of fulfilling the conditions for negotiations". The Committee had also written directly to the foreign ministers of the European Community and the group of seven industrialised nations encouraging its view that all nations should continue to apply sanctions against South Africa.

The United Nations Panel on the other hand was for stronger sanctions. The forty-three nation United Nations Human Rights Commission on February 28 1990, voted 35-2 to issue a new call for widened international sanctions against South Africa to support the country's black majority in fighting apartheid policies. Britain and US were the only commission members to oppose the resolution which urged that existing measures against South Africa not be relaxed until there is a clear evidence of profound and irreversible change.⁶⁹.

Differences over scrapping sanctions against South Africa came to the surface again in February 1991, as Commonwealth Foreign Ministers ~~regain~~ ^{began} their meeting to recommend a course of action to the Commonwealth summit to be held later in the year. A Commonwealth Committee of Foreign Ministers on Southern Africa had the task of reconciling the African and Western points of view. The latter favouring a beginning towards lifting the sanctions.

Britain which is just a member of the committee had been vigorously lobbying for a gradual easing of the economic sanctions in view of the legislative intention announced by the South African President. Even Australia which had taken a leading role in imposing the sanctions had come around to the view that sporting links with South Africa should be resumed. South's Africa's readmission to international sports

69. -----, 'New Era in Southern Africa - Victory of Enlightened Opinion', Competition Master, Vol. XXXI No., 10 May, 1990.

in July 1991, led to democratic governance of a multi-racial society.

'On the eve of the meeting, the British foreign secretary Mr. Douglas Hurd, met the foreign ministers of Zimbabwe and Nigeria, both members of the Committee to express his hope that the meeting could recommend the issue to be put out of the way before the next Commonwealth summit to be held in Harare in October. He put forward a specific plan before the European Community for lifting limited sanctions on which no decision was taken but the community also believed that a beginning could be made'⁷⁰. In April 1991, London witnessed a revolving door diplomacy by the two South African protagonists, Mr. F.W. De klerk and Mr. Nelson Mandela, both trying to influence the government and the investors with their conflicting views on economic sanctions and the political climate in the country. While Mr. Mandela failed to convince Mr. Major, Mr. De klerk had succeeded in his attempt. The then deputy leader of the African National Congress Mr. Nelson Mandela arriving just after the departure of Mr. De Klerk unsuccessfully tried to convince the British prime Minister, Mr. John Major, that time was still not ripe for lifting all sanctions against the Pretoria regime. The South African President had earlier vigorously pleaded for an end to economic sanctions saying - that political reforms must be reinforced with economic

70. -----, 'Rift over Sanctions against South Africa', Times of India, New Delhi, 17 Feb. 1991.

growth and new capital from abroad. He urged British business to participate in the building of new South Africa.

The British and American reaction to the recent development in South Africa underlines the divergent views on the crucial question of sanctions against South Africa. Mr. Bush said that South Africa would have to do more before sanctions could be lifted. The US administration did not consider that the white minority government of South Africa had met the conditions for the lifting of US sanctions. The US congress also appeared to share the view of the administration that the steps announced by South African President De klerk satisfied no more than two of the five conditions set forth by the Congress in its 1986 sanction legislation.

Since the "South African Government has not abolished the pillars of apartheid and will not do so under visual circumstances, any move to lift sanctions against South Africa at this stage will weaken anti-apartheid campaign. Infact, there is need to put pressure of sanctions on the racist regime. It is, therefore, the responsibility of the international community to widen, tighten and intensify sanctions against South Africa until apartheid is completely dismantled, and a united non - racial and democratic South Africa is created" ⁷¹.

It was notable that within the ANC serious debate was -----
71. Harjinder Singh - Continuation of Sanctions - World Focus, New Delhi, June 1990, pp. 16 - 20.

going on over the sanctions issue. President Oliver Tambo created quite a flutter when speaking at the ANC consultative conference, he recommended that the stand on the economic sanctions against the white minority government should be softened. He said, "It is no longer enough for us to repeat the tried slogan - we should carefully re-evaluate the advisability of insisting on the retention of sanctions, given the new developments in the country and abroad"⁷².

CONCLUSION

It had been said that sanctions would not bring down the apartheid regime. But who introduced such a notion - not those who called upon the international community to impose sanctions; it was the opponents of sanctions who put forward such a possibility. Sanctions are a complement to the struggle. With or without sanctions struggle would have continued and with or without sanctions the struggle would have unravelled itself in victory. It was felt that the sanctions would weaken the regime and forces of against apartheid and would thereby significantly affect the length of the struggle, the economic cost, the destruction of the infrastructure of the country, the people's agony, the loss of life, all these can be minimised by sanctions.

The ANC never saw sanctions as simply a punishment, nor a means of exacting revenge on oppressors. Sanctions are a

72. Harisharan Chabra, (Foreword Nelson Mandela), 'Sanctions must Continue', "South Africa - One Year after Mandela's Release", Africa Publications, New Delhi, 1991, pp.115.

viable and effective method of putting pressure on the regime affecting its capacity to continue to pursue apartheid policies and maintain them by force and at the same time, undermining support for apartheid among the white minority.

The problem was not that sanctions will not work, but that a number of governments, particularly, Britain, America and Germany were opposed to sanctions against the apartheid regime precisely because they believed they would work.

It is often felt that the UN has failed in its attempts to induce change in South Africa and that the progressive strengthening of the resolutions only reflected increasing frustration among the Afro-Asian delegations.

The main role in the liberation of South Africa should rightfully go first to the oppressed people themselves. The international community could assist them and help create the conditions in which they could secure the liberation, with the least possible violence and delay, but it could not aspire to deliver liberation to them. The efforts of the international community should only complement the efforts of the oppressed people.

The hated and widely condemned policy of apartheid - racial discrimination and denial of human rights to the blacks, in defiance of world opinion - will probably end soon. The cause of justice has triumphed. The grant of equal

rights to the blacks will indeed be a historic event in the African continent. It is a turning point and marks the onset of a new era.

Credit, as I said earlier, goes to the people of South Africa, but together, ofcourse with the UN, which since 1970 has been passing strongly worded resolutions condemning apartheid and censuring the white regime's conduct, have good reason to take comfort on the achievement. De klerk deserves a credit for starting the process of justice.

Concluding, we can say that revolutions take their own historical time and international action is only a secondary factor in determining the course of events. The international community came a long way since 1948 when it was impossible even to adopt the mildest resolutions in the UN General Assembly on the racial problems in South Africa. The UN is committed to promote the total eradication of apartheid in South Africa, committed to the support of the legitimate struggle of the oppressed people, irrespective of the means they choose. Apartheid has been a challenge to the international community.

CHAPTER - V

POST- APARTHEID SCENARIO

Rolihlahla Nelson Dalibhunga Mandela , walked out of Cape town's Victor Verster prison at 4.16 pm on February 11, 1990, after twenty-seven years of imprisonment. The landmark event on February 11, 1990, was by all accounts a touching point in South Africa's chequered history. In effect it marked the beginning of a new era for the blacks of Southern Africa, after seven decades of struggle and suffering. They "raised clenched fist "- symbol of the blacks freedom drive- looked over powering .

When Mandela took his first step to freedom, he called for the intensification of the struggle against apartheid and the international regime.

"We have waited too long for our freedom. Now is the time for the intensification of the struggle on all fronts"⁷³, he told tens of thousands of people who welcomed him at the grand parade in Cape Town.

"I have been out of prison for eight months but I live in a bigger prison that is racist South Africa. I have no vote. I cannot go to school which I like, just because apartheid is still there",⁷⁴ said South African leader Nelson Mandela in an exclusive and wide ranging interview~~d~~ in Johannesburg. He was brutally frank on being asked that

73. Harisharan Chabra, (Foreword Nelson Mandela), 'South Africa Update', - "One Year After Mandela's Release", Africa Publications, New Delhi, 1991, pp. 7.

74. Ibid., 'Mandela Firm on Peace Process', pp. 58.

since the legal pillars of apartheid were still there, did he feel that he was a free man?

Mandela said he and his colleagues in the ANC were determined to keep the peace process going. If the Government failed to keep peace there was danger to the process of reforms

Mandela and the struggle against apartheid are two faces of the same coin. One can not discuss apartheid and the struggle against it without discussing Mandela ; his life history and his persistent struggle against this evil, whether in prison or out of it, because both are inseparable names in the history of racist South Africa.

Hence before discussing the post-apartheid scenario and the closing chapters on apartheid, let us discuss Mandela. Nelson Mandela, from one of the royal families of Transkei, was groomed from childhood for respectability status and sheltered living. Born near Umtata, in the Transkei in 1918, he was the eldest son of a Tembu chief. His father died when he was twelve and his upbringing and education were taken over by the paramount chief.

In Johannesburg he had his first encounter with the lot of the urban Africans in a teeming African township : overcrowding, incessant raid for passes, arrests, poverty, pin-pricks and frustrations of white rule. Walter Sisulu, Secretary General of the African National Congress (ANC) in a vital period befriended and advised and urged him to study

law. Mandela studied by correspondence to gain an art degree, enrolled for a law degree at the University of Witwatersrand and was later articled to a firm of white attorneys.

The union of South Africa's four provinces in 1910 was a union of white privilege and power for African subjection. Early political organisations ^{were} ~~was~~ hesitant and scattered until in 1912 at Bloemfontein, the South Africa Native National Congress was formed, later to be named the African National Congress of today. ~~Congress changed its name in 1925 to ANC and adopted a flag.~~

In 1944 Mandela joined the ANC and along with Oliver Tambo and others founded the militant ANC Youth League. In 1945 the ANC adopted 'African claims'. The cry was sharply for one man one vote, equal justice in the courts, freedom of land ownership, the repeal of the pass laws.

Programme of action in 1949 advocated the use of boycott, strikes, non-co-operation and civil-disobedience to achieve national freedom. In 1952 campaign of defiance of unjust laws when 2500 volunteers went to prison for deliberate acts of civil disobedience against six selected apartheid laws; Nelson Mandela was national volunteer-in-chief of the campaign, and he was responsible for the selection of volunteers, for laying down their code of discipline.

He received a suspended sentence for his part in the

campaign. In 1956 he was charged with 155 others with treason. After the banning of the ANC, Mandela went underground in early 1961, from where he had led the strikes in protest against the declaration of the republic.

The Congress of the people in the meanwhile had adopted the Freedom Charter in 1955 which said - "South Africa belongs to all who live in it, black and white. No Government can justly claim authority unless it is based on the will of all the people".

Mandela was found guilty of two charges, (a) of inciting employees in essential services, African mine workers and servants in general other than agricultural labourers (b) for leaving the republic of South Africa without being in possession of a valid permit or passport.

And then came the Rivonia trial against Nelson Mandela for sabotage and a conspiracy to overthrow the government by revolution, and he was accused of embarking on a campaign of assisting armed invasion of South Africa by foreign troops.

"I would say that the whole life of any thinking African in this country drives him continuously to a conflict between his conscience on the one hand and the law on the other. This is not a conflict peculiar to this country. The conflict arises for men of conscience, for men who think and who feel deeply in every country.....the law as it is written and designed by the Nationalist Government,

is a law which in our view is immoral, unjust and intolerable. Our conscience dictate that we must oppose it and that we must attempt to alter it",⁷⁵ said Nelson Mandela while his trial in a white court.

It is clear that his incarceration for nearly three decades has not weakened his spirit. The sufferings he has gone through have dimmed neither his physical and mental strength, nor his moral courage in pursuit of a just order for the black majority in South Africa. He has left no one in doubt that his goal remains an end to the white monopoly of political power, the fundamental restructuring of the economic base that is full of disparities between the blacks and whites, and the creation of a non-racial, democratic and United South Africa.

Today, we are witnessing momentous changes in the world. We see history being rewritten. Dictatorships are on the way out with the triumph of democracy. Confrontation is giving way to dialogue. It is no more a bipolar world; many centres of power have emerged. All this is happening as a result of global detente, end of the cold war and death of the ideology. Southern Africa, the hotbed of tension for many years, could not remain isolated from the global winds of change.

Did the white South African referendum of March 17th 1992, called by state President F.W.De klerk to counter a threat to his credibilty among the whites really 'close' the

75. Nelson Mandela, (Foreword by Ruth First), Fakenham Press Limited, Great Britian, pp. 150.

book on apartheid?',⁷⁶ Can it become one of the most fundamental turning points in the history of South Africa? The white minority which dispossessed, dominated and brutally repressed the black majority for generations, proclaims its willingness to give up its monopoly of political power - how far reaching and truthful is the idea behind it? These are a number of questions not only haunting me, but many others as well as political analysts and the long - oppressed Black Africans too.

Before discussing the present scenario, i.e., post - white referendum in South Africa, let us delve into the past and trace the events in the wake of post-Mandela release : like the De klerk government's policy, the ANC's role in dismantling apartheid.

DE KLERK'S EFFORTS IN DISMANTLING APARTHEID

To understand the political co/ntradictions in South African situations, one has to see how and under what circumstances De klerk came to power in 1989 and how he successfully projected himself as a great 'reformist'. It needs to be noted that De Klerk's predecessor, P.W. Botha, was deeply linked with the strategists of the armed forces, who wanted to promote South African regional hegemonic ambitions, backed by destabilisation of and aggression on the neighbouring independent countries sympathetic to the ANC,

76. E.S. Reddy - Closing the Book on Apartheid, Hindustan Times, New Delhi, March 25, 1992.

and limitless brutal repression at home. This was termed by Botha as a 'total strategy'. Botha as President of South Africa committed a grave folly by bringing a dubious constitutional arrangement of tricameral parliament in 1984, one each for the Whites, Asians and the Coloureds and totally denying franchise to the black majority. This factor and many other factors combined, threw the country into a state of crisis which forced Botha to bow out.

Shift in South Africa did not erupt all of a sudden. Some white members of the apartheid regime had warned well over a decade ago that the whites had either to adjust themselves or die. After the defeat of South Africa in Namibia, the whites became increasingly aware of the need to adjust themselves to a modern concept of racial equality.

The crisis that had emerged in South African apartheid system was unprecedented, caused by the pressure upon the government from both outside and inside. Pretorian authorities realised that they could not govern the country by the former method. These changes made social explosion in South Africa quite possible. President F.W. De klerk, recognising the imminent changes expressed his preparedness to go along the road of reforms. He agreed to hold talks between the government and the black majority on the future of the constitutional set up. Year 1990, was significant in the sense that De klerk accepted the fact that ANC and the government were the two most important bodies that could help bring about a new South Africa. De

De klerk was also aware of the fact that Mandela mattered a great deal to South Africa of today and tomorrow. Various terms like "Mandela effect", "Mandela moment", and "Mandela factor" were being coined at the time of his release from prison.

When President F.W. De klerk opened Parliament on February 19th 1990, he made announcements lifting the thirty year ban on black nationalist organisations and the forty years prohibition on the South African Communist Party, and was a watershed in South African history.

De klerk managed to capture the attention of South Africa and perhaps to momentarily distract leaders in the West from their preoccupation with the war in the Persian Gulf and the rebellion of the Baltic republics against Soviet rule. De klerk did so by announcing the pending repeal of the remnants of racially discriminatory legislation and promising that the statute books would be devoid of discriminatory laws⁷⁷. Thence, key elements in the apartheid legal structure have certainly been removed. The Land Act and Group Areas Act were repealed on 5th June 1991, followed by repeal of Population Registration Act.

With oratorical flair, he declared, "The end of apartheid and the repeal of the last remaining discriminatory law will bring us to the end of an era of discriminatory coercion"⁷⁸. De klerk surprised friend and

77. Patrick Lawrence - Politics of Persuasion - Africa Report, Vol. 35, African American Institute, America, March-April, 1991, pp.48-50.

78. Ibid.

foes alike by including the Population Registration Act among the laws destined for the historical dustbin. This act was also repealed later.

Pretoria government headed by De klerk announced its intentions to accept a free and democratic South Africa. It agreed to a radical revision of the constitution by a special constituent assembly. It proposed to eliminate racial-discrimination, proclaimed equal rights of all citizens, including equality before law and freedom of travel.

The process of change unfurled in 1989, when the ruling National Party headed by De klerk decided that it had to abandon white supremacy and seek a negotiated settlement. He unbanned the ANC and other organisations in February 1990, released the political prisoners and held talks with ANC and other groups.

Restoration of sporting links and the lifting of US sanctions left South Africa's anti-apartheid movement picking its way through a political mine field towards the goal of a new democratic constitution.

July 1991, was a watershed month and year in South Africa. In 48 hours on 9th and 10th July, US President Bush announced the lifting of sanctions (on air links, commercial investment and trade) although access to International Monetary Fund is still blocked.

De Klerk's National Party government had been stalling the negotiating process because it was still hoping to

retain power ever, under a new constitution, and still expected guarantees for the white minority. There was growing distrust on the part of Anti-Apartheid movement too. They said that National Party leaders were talking with growing confidence of the emergence of the Christian Democratic Alliance, based on the National Party itself plus Inkatha, Bantustan forces, black local councillors and coloured and Indian politicians. Its continuing control on the levers of power made this a political minefield for the anti-apartheid movement.

MAJOR POINTS OF POLITICAL DIFFERENCES AND AGREEMENTS BETWEEN DE KLERK AND NELSON MANDELA

The process of change towards a democratic society, required the working together of the ANC, the predominant political organisation in the country, and the ruling National Party. There could be no genuine transition to democracy without the ANC. And there could be no peaceful transition without the co-operation of the National Party of De Klerk, in suppressing attempts at destabilisation of the process by the armed forces ^{of} white terrorist groups.

There were no exchange of harsh words between President F.W. De Klerk of South Africa and Mandela, the President of ANC; they were not either keeping each other disillusioned of the forth-coming events and their consequences which was not favourable for ^{each} other. The South African President graciously described Mandela, "as an elderly man, a dignified man and an interesting man". And Mandela said of South African President, "One thing that I

have been able to assess is that President De klerk is a man of integrity"⁷⁹.

Mandela praised De Klerk for his sweeping concessions to black aspirations, contained in the latter's speech to the South African Parliament on February 2nd 1992, in which he lifted thirty year old ban on the African National Congress, scrapped gagging orders on a number of other anti-apartheid groups and released Mandela's friends like Walter Sisula and Ahmed Kathrada.

But the talks between the government and the ANC dragged on, with frequent crises, as the governemnt tried to manage the transition in its own way and hoped to out manoeuvre the ANC.

MAJOR POLITICAL AGREEMENTS AND DIFFERENCES BETWEEN ANC AND GOVERNMENT

Both ANC and National Party agreed that the constitution would be supreme and that special provisions would specify how the constitution could be changed. The ANC wanted a constitutional court to interpret the constitution, while the government took to the Supreme Court to fulfil this function. It is clear from the proposals of the ANC and the National Party that the latter is looking to dispense the power over a wider spectrum while the former wishes to concentrate it at centre. This is because ANC can foresee pockets of power erupting and several levers of power

79. Harisharan Chabra, 'Mandela's Release and After', World Focus, New Delhi, June 1990, pp.3-6.

operating in order to interpret the constitution if De Klerk's proposal is followed. By giving all the powers to a constitutional court would mean deriving all powers to be exercised, from the constitution. ~~of~~ De Klerk, it meant was not ready to go for a fully integrated system at once⁸⁰.

The constitution that the De Klerk government had in mind was a hybrid one. "It will appear to give the blacks majority rule, but it will have such motors and blocking devices that the power of the white minority will be very much there"⁸¹.

The present tri-racial constitution with its racially segregated chambers for Whites, Coloureds and Indians, and its exclusion of blacks was erected on the Population Registration Act. Without race classification it would have been impossible to regulate voting according to race i.e. to hold elections in which Whites, Coloureds and Indian elect representatives from their own statutory racial group to racially defined chambers.

Thus the foundation stone of the present parliament was to remain intact temporarily, allowing the apartheid Parliament to exist as the supreme legislative body until it voted for its own extinction.

So we see that there were fundamental differences

80. Patrick Lawrence - Coming to Grips with Power - Africa Report, Vol. 35, African American Institute, America, Nov.-Dec. 1990.

81. Harisharan Chabra, (Foreword Nelson Mandela), 'Mandela Faces Tough Task', "South Africa - One Year After Mandela's Release", Africa Publications, New Delhi, 1990, pp. 26-9.

between the ANC and the government. While the ANC and Mandela were clamouring for one person one-vote rule, South African President hinted that even as he would want the blacks to share power, he envisioned a dubious mechanism, whereby the white minority would retain veto power on major policy decisions. He said that common voter's roll based on winner take-all approach was not acceptable and gave assurance to the whites that the minority group rights would be protected. He envisaged, "I think, instead, a power-sharing arrangement with constitutional rights where no group would dominate".

ANC wanted an interim government but was opposed by De klerk initially who argued that South Africa was a sovereign country and not a colony and that installation of an interim government in South Africa would be too reminiscent of the transitional government which had taken over in Rhodesia and Namibia. Later in the talks between ANC and National Party, De klerk agreed on an interim government but there was a critical difference again on this point. ANC wanted the interim government for short duration, its primary function was to pave the way for the election, on the basis of one-person one-vote; of a constituent assembly to draft a new constitution for South Africa; the task, in the ANC's view could be completed in a relatively short time between 18 to 24 months. The De klerk administration wanted the interim government to last for a longer time measured in years than

months (5-10 years)'⁸².

The broad strokes of the government strategy were visible between the lines. 'By prolonging the period of interim government and making the ANC responsible for running the country it was hoping to further reduce the ANC's mystique of resistance force'⁸³. To put it in other words, the longer the life of the interim government, the more South Africa would become accustomed to the notion of blacks playing a key role in the governance of the country.

The ANC wanted a unitary state with the homelands included, and a strong central government, while the National Party of De klerk wanted to have strong feudal elements; the inclusion of the homelands and a weak central government. This was a wicked plank of preserving white privileges. By devolving central state power to regional governments, local authorities, associations and residents who would have full autonomy, there was a threat to ANC's demand for a limited South Africa. For example, given that most whites want to maintain separate schools, the devolutional social exclusivity would prevent blacks, moving into white schools, because parent's association would control the white schools. It was a clever way of cheating. De klerk wanted status, i.e., he was anxious to see that the

82. Patrick Lawrence - Year of Negotiations - Africa Report, Vol. 37, African American Institute, America, Jan.-Feb. 1992, pp. 48-50.

83. Morna Colleen Lowe - The Pariah's New Pals - Africa Report, Vol. 36, African American Institute, America, May-June 1991, pp. 28-30.

whites retained all privileges, not acceptable to blacks.

Another critical difference was on the issue of Presidency. ANC wanted to have a President who would be the head of state and executive. It was flexible on the question of whether the President should be elected directly or by parliament. There would be a Prime Minister and a cabinet, both appointed by the President and subordinate to him. The National Party deviated from normal practice, basing its proposal of a multi-party executive college on the Swiss example. ANC favoured a strong executive type Presidency and the government, a collective Presidency drawn from 3 or 5 major parties. De Klerk was perhaps again scared of black domination replacing white domination. It is embedded in the very psyche of the whites that they are the rulers and the blacks are meant to be ruled. They are not in favour of power suddenly frisking away from their grip. They want to sit tight on their forced power and domination. That is what I and others would gather. De Klerk kept assuring the whites that before any new constitution went into effect he would consult the white voters through a referendum or a regular election.

Besides, both ANC and National Party agreed that there should be two Houses of Parliament. The ANC wanted the second house to have delaying powers. The National Party wanted it effectively to have a veto which meant that legislation could only be passed if both houses agreed. Both agreed that the first house would be elected on the basis of

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proportional representation by universal suffrage. So the most important area of agreement was that there should be universal franchise and no distinction according to race, colour, creed or sex. It effectively means that the new South Africa would be predominantly black.

So we see that the National Party and the African National Congress were agreed in principle about new constitutional proposals, but they differed at the same time on many details. ANC wanted to transform South Africa overnight, while the National Party did not. But this was a question of detail and one should not overlook the fact that both sides came a long way - the ANC no longer expected a simple transfer of power, while the National Party accepted one-person one-vote. There was a broad agreement over a substantial area. Both sides proposed a bicameral parliament, preferred proportional representation, looked to devolution of power, insisted on a Bill of Rights and acknowledged the supremacy of the Constitution.

POST APARTHIED ECONOMY - VIEWS OF ANC AND DE KLERK

Ending the monopoly of political power from the hands of the whites may not be so difficult to achieve, but what would present problems in the coming months and years would be the fundamental restructuring of the economic base of South Africa which although rich in minerals and industrial production, is full of inequalities between the privileged whites and the dispossessed non-whites. The white population, less than 15% of the total of 35 million, owns

87% of land and 5% of the white population controls 80% of the wealth. Per capita public spending on whites is six times higher than blacks.⁸⁴

The Freedom Charter of 1955 examined the economic future of South Africa and suggested changes to create an equilibrium in a democratic society. It proposed that the land which is in the hands of land barons, absentee landlords, big companies and state capitalist enterprises, shall be divided among small farmers, peasants, landless of all races. State land shall be used for the benefit of all the people. Restriction on land ownership on racial basis shall be abolished and all land shall be open to ownership and use to all the people irrespective of race.

After the repeal of the two Land Acts of 1913 and 1936, things have changed on the economic front. The views of ANC and the government differed sharply on Land Acts. While the government would want non-white races to buy land, the ANC would like the land to be distributed to the landless blacks free of charge. The question arises again and again on this point and it is that, did the whites buy the land from the blacks that they want blacks to buy it?. Or should they return the land to the blacks free of charge because they had confiscated it?.

The ANC's latest draft on economic policy document clearly said, it believed, priority should be given to

84. Harisharan Chabra, (Foreword Nelson Mandela), 'South Africa After Mandela's Release', "South Africa - One Year After Mandela's Release", Africa Publications, New Delhi, 1990, pp. 96.

immediately returning the land to those removed from black freehold land or from plots held under labour tenancy agreements.

Although the nationwide democratic economic programme is a long way off, Mandela succeeded in persuading the limited municipalities of South Africa to provide urban land for housing the 20,000 ANC exile expected to return.

A consultative workshop was organised by the African National Congress and the Congress of South African Trade Unions (COSATU) in Harare. The product of this workshop was a document, outlining policy proposals for a post-apartheid economy. This document was presented to the national executive committee of the ANC and COSATU. The document started from the premise that the South African economy was in fundamental crisis. This arose from the distortions of the apartheid system, problems in the sphere of domestic production and reproduction and the changing and destabilising international environment.

Most important of all the issues in the post-apartheid South Africa was the character of the economy -- socialist or mixed. Socialist economy after the recent developments was out of question, so the majority perception is mixed economy. Various debates on the issue proved that there was agreement or rather consensus that South Africa suffered from gross inequality created by the system of apartheid, that a handful of conglomerates exerted tremendous power and influence on the political economy of South Africa. The

regime hurriedly implemented, and is implementing a series of policies like privatisation and deregulation. Reconstruction of the economy required viable state sector. Nationalisation would be an essential part of the reconstruction programme of such a state. For the 13 page document adopted at Harare, nationalisation was not mentioned as a political policy option; the document strongly opposed further privatisation. It opposed deregulation. Mandela told a news conference that the ANC had no blue print for nationalisation and the issue might best be examined by a committee of experts. He said "The ANC has no ideological position that dictates that it must adopt a policy of nationalisation. But he made it clear that the state would play a more active role after the change-over in South Africa. As the ANC's main concern was that whites did not intend to nationalise the private owned assets, it was committed to changing the concentration of economic power in a few white hands.

Mandela was of the view that South Africa's economy was in a terrible crisis. Unemployment was increasing, investment in fixed capital was decreasing and inflation was high. But it was felt that all laws, rules and regulations controlling economic activities would be amended so that no citizen would be discriminated against. No job would be reserved on social basis system of differential wage rates, for the same work would be discontinued. The democratic South Africa would recognise the right of collective bargaining by workers and the right and duty of all to work

and draw full unemployment benefits if and when necessary.

It was also believed that non-racial democratic state would actively seek to promote regional economic co-operation in Southern Africa along new lines, in ways that would not be exploitative and would correct imbalances in current relationship. The state must be prepared to enter into negotiations with its neighbours to promote a dynamic non-exploitative and mutually beneficial form of regional co-operation and development. This would involve making concessions to neighbouring states.

Mandela also suggested ".....It would be necessary to review the system of taxation. The burden of taxation on sections of the community, least capable of looking after themselves, should be shifted to the corporate sector, without producing a situation of diminishing return. The abolition of multi-headed apartheid administrative structures would result in enormous savings"⁸⁵.

During the last few years, the COSATU has become a powerful force in the South African economy. The COSATU, in post-apartheid South Africa will press for changes in labour laws, rise in wages. The union leadership will take up the questions of centralised bargaining provided funds, family housing, parental rights, casualisation, and retrenchment, health care and education. A healthy relationship between the employees and the trade unions is crucial to the

85. Vijay Gupta - Post-Apartheid Scenario - World Focus, New Delhi, June 1990, pp. 11-5.

country's future. There is a doubt that a progressive labour legislation, allowing trade unions to carry out centralised bargaining, will help to solve many important issues. The questions of a living wage, job security and industrial restructuring must be dealt with through the bargaining process. This is a major task of the post-apartheid regime as its bulk of supporters are wage workers.

So we see that a growing South African economy is important as a stimulant for the economies in the neighbouring African states. The economy is in need of radical changes corresponding to the political changes. The political changes have to keep pace with economic changes and vice versa. In post-apartheid South Africa, the policy of destabilisation of Southern Africa, will change into a policy of stabilisation. This will lead to an economic boom. South African states and private sectors will be able to make investments in neighbouring countries and its manpower potential will help in the development of industrial and agro-industrial base. This will lead to mutual benefit to both South Africa and its neighbours. The available infrastructure will be used for all and by all.

South Africa has a potential unparalleled in Africa for economic prosperity. Prosperity can increase if Africans, Whites and Asians live in harmony. This is not an easy task since the population of South Africa is increasing at about one million per year. Post-apartheid South Africa will hopefully follow a policy of peace, disarmament, non-

alignment. It will stand for a New International Economic Order, South - South Co-operation and friendly diplomatic relations with all.

WHITE REFERENDUM AND AFTERMATH

The question which I raised in the very beginning, whether the March 17th 1992, referendum called by F.W. De Klerk turned out to be a fundamental break away point in the history of South Africa or not, can be answered in affirmative, only if the ruling National Party is prepared to grasp the opportunity to help bring about a new South Africa.

We saw that the process of change towards democratic society required the working together of the ANC, the predominant political organisation in the country and the ruling National Party.

The talks between the government and the ANC dragged on, with frequent crises. The ANC became increasingly distrustful of De Klerk and his government. It prepared for mass action as the only way out. The government was obliged to recognise that it could not undermine the popular support of the ANC nor secure an end to international sanctions without the co-operation of the ANC. The ANC was at first opposed to another whites only vote on the nation's destiny but soon recognised that 'no' vote would be fatal to negotiating processes and actively campaigned for a 'yes' vote.

The Conservative Party played on racial prejudices and

tried to scare voters with the bogey of 'black communist rule', but had no viable alternative. Its slogan of white self-determination and its suggestion of a common-wealth of nations, including a white nation, were hardly realistic or appealing. 'Fortunately there was a record vote of 85% and a 68.7% 'yes' vote, with a majority in all but one of the 15 electoral regions of the country. A majority of Africans voted 'yes',⁸⁶.

The whites have thus made a difficult but momentous choice on their future and the future of their country. De klerk had indicated in announcing the referendum that a 'yes' vote would authorise him to make 'binding commitments' in the negotiations. In other words, a negotiated constitution does not have to go through another white referendum but will be approved by all the people. This removes a very serious hurdle before the coming into force of a non-racial democratic constitution.

De klerk now has a clear mandate and will be under pressure to fulfil his promise of a democratic South Africa. The country faces immense challenges apart from the drafting of a constitution. It has to deal with a very serious economic and social situation. And the elimination of the effects of decades of apartheid, the racist domination in terms of the deprivation of the black people and the enormous gulf in the standards of living will need a long

86. E.S. Reddy - Closing the Book on Apartheid - Hindustan Times, New Delhi, 25 March, 1992.

and hard effort. The ANC will need to rise to the occasion and build the broadest unity. It will need to secure the cooperation of groups among the blacks.

"Referendum was a racist slap", said Desmond Tutu in Cape Town, after the results of the referendum⁸⁷. He says that pain and disappointment are prominent among the emotions experienced by many black South Africans concerning the referendum in which the white minority decided the future of reform in the country. They are pained because it had been distressing for them: the majority blacks, to have been relegated once again to the status of objects about whom decisions are made.

Desmond Tutu further is of the view that a 'No' vote on President F.W. De Klerk's reforms was theoretically possible and South Africa would have suffered a catastrophe at the hands of a small minority of the population. The landslide vote was a great relief, a triumph for democracy. President De Klerk received the mandate, he said, he required. Now he must move like the proverbial greased lightning. There should be a constituent assembly operating by the end of the year, a new constitution in place by June 1993 and very soon thereafter the calling of truly democratic national elections; at least this is what is expected.

To provide an atmosphere conducive to talks, it is critical that urgent interim steps be taken in a number of

87. Desmond Tutu - Referendum was a Racist Slap - Hindustan Times, New Delhi, 24 March 1992.

areas. There is a massive shortage of housing and is a volatile situation. Education is in crisis. Health care must be made more accessible. The government must set up programmes and projects for relieving hunger and poverty. But top priority should be to end the scandalous violence which plagues the South African society.

CONCLUSION

Today, they call it a 'New South Africa'. But how much has really changed is yet to be seen. After the repeal of the main pillars of apartheid, like the Population Registration Act and the Group Areas Act and the 'Yes White Referendum' in favour of the changes in the apartheid system, the country still faces immense challenges apart from the drafting of a Constitution. It has to deal with a very serious economic and social situation.

The ANC will need to rise to the occasion and build a modest unity. It will need to secure the co-operation of various groups amongst the blacks.

I once again put forward this point that,
^ to provide an atmosphere conducive to talks, it is critical that urgent interim steps be taken in a number of areas. There is a massive shortage of housing, and it is a volatile situation. Education is in crisis. The government must set up programmes and projects for relieving hunger and poverty. But the priority should be to end the scandalous violence which plagues the South African society.

But in my view mere changes in the legal system is not enough unless economic and political changes are also brought about. So, although welcome, much still needs to be done.

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