



University of Oran 2
Faculty of Foreign Languages
THESIS

In Candidacy for the Degree of Doctorate in Science, English
Language.

THE AFRICAN NATIONAL CONGRESS IN TRANSITION:
FROM A RESISTANCE MOVEMENT TO A GOVERNING PARTY
(1961-1999)

Publicly Presented by:

Mrs DEHMOUNE AMEL

Before a Jury Composed of:

Benhattab Abdelkader	Professor	University of Oran 2	President
Moulfi Leila	Professor	University of Oran 2	Supervisor
Meberbeche Faiza	Professor	University of Tlemcen	Examiner
Dani Fatiha	MCA	University of Oran 1	Examiner

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DECLARATION

I hereby declare that this dissertation is the result of my original research. References to other people's research have been duly cited and acknowledged in this research work accordingly.

Amel DEHMOUNE

Dedication

“No one in this world can love a girl more than her father “

Michael Ratnadeepak

To my everlasting love, my beloved father, Mr. DEHMOUNE Mohammed

ACKNOWLEDGEMENTS

First of all, I shall thank Almighty Allah for all His blessings.

I would like to express my deepest gratefulness to my supervisor Prof. Leila Moulfi for the continuous support, patience and motivation throughout the writing of this thesis. Her guidance helped me in very difficult moments to accomplish it, even if she knew that I had almost abandoned undertaking research for the many obstacles I had encountered. I could not have a better mentor to help me to stand once again, gain self-confidence and accomplish this modest research work.

My sincere acknowledgments go to the members of the jury: Pr. L. Benhattab, Pr. F.Meberbeche, and Dr. F. Dani who provide me with an opportunity to learn from their insightful comments.

I am also thankful to my dear colleagues Dr. Wafaa Taleb and Dr. Mimouna Zitouni who have always been my strongest moral support.

My truthful gratefulness to Pr. Ghania Ouahmiche for her valuable help.

With a special mention to Pr. Michelle Garneau from the Department of the History of Art at the University of Montreal, UDEM, for the work facilities and precious assistance during my short stay in Canada.

Last but not least, I am deeply indebted to Mr. Sadek Bouguettaia for all the efforts he has made to complete the organization of this thesis.

Abstract

In colonial Africa, most of the African countries were subjected to conquest, exploitation and oppression for centuries. South Africa was no exception, for it also witnessed the tyranny of colonialism on its land. The South African colonial rule was characterized by the unification of the British and Dutch colonies for an entire guarantee of the Whites' privileges. On the other hand, this Union created a race – based society that was urging for a separation between the Whites and all the other races. The Blacks rejected the new white government's decisions and formed their first political party known as the African National Congress (ANC). From the early days of its foundation, the ANC was committed to settle the issue of racial discrimination policy. This, however, was a complex mission, for the new policy was officially part of the succeeding white governments. The ANC was still determined to achieve its aim through resistance until the recognition of all the ethnic groups as South African citizens. In this regard, this study aims to examine the outstanding struggle of the ANC for the recognition of the Blacks' rights and the abolition of the oppressive laws. A special focus in the thesis is about the evolution of the political party from a peaceful resistance to an armed struggle. The outcome of this situation had been a passive political transition and the success of the ANC to lead the first democratic elections in South Africa.

List of acronyms and abbreviations:

AMWU	African Mine Workers' Union
ANC	African National Congress
ANCYL	African National Congress Youth League
ARM	African Resistance Movement
AVF	Afrikaner Volksfront
AWB	Afrikaner Weerstand Beweging
BCM	Black Consciousness Movement
DA	Democratic Party
COD	The Congress for Democrats
CODESA	Convention for a Democratic South Africa
COSAG	Concerned South African Group
COMSA	Commonwealth Observer Mission to South Africa
COSATU	Congress of South African Trade Unions
ICWU	Industrial and Commercial Workers' Union
IFP	Inkatha Freedom Party
GNU	Government of National Unity
MK	Umkhonto we Sizwe (Spear of the Nation)
NP	National
NNP	New National Party
UDF	United Democratic Front
UP	United Party
UN	United Nations
UNCHR	United Nations Commission on Human Rights
UNICEF	United Nations International Children's Emergency Fund

OAU	Organisation of African Union
PAC	Pan-Africanist Congress
RDP	Reconstruction and Development Programme
SACC	South African Council of Churches
SACL	South African Confederation of Labour
SACP	South African Communist Party
SACTU	South African Congress of Trade Unions
SAIC	South African Indian Congress
SADF	South African Defence Force
SMEP	La Société des Missions Evangéliques de Paris
SANNC	South African Native National Congress
TAWU	Transport and Allied Workers 'Union
TRC	Truth and Reconciliation Commission
TUSCA	Trade Union Congress of South Africa
UDF	United Democratic Front
WNC	Women's National Coalition

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INTRODUCTION

INTRODUCTION

The history of colonialism in Africa is usually centred around the European conquests and occupation that evolved into the scramble of the continent in the nineteenth century. For the Europeans, it had long –established positive effects on the political and economic development of Europe. As it was pointed out by Frantz Fanon in his book, *The Wretched of the earth* that "...It [colonialism] contents itself with bringing to light the natural resources, which it extracts, and exports to meet the needs of the mother country's industries...".¹

However, for the African countries, colonialism was a multi-forms aggression of the African societies. Indeed, it negatively impacted on the social, economic and political spheres of the continent. As a matter of fact, colonial policies acquired control over the natives' areas, seized lands, created boundaries, exploited raw materials, used the locals as a forced labour and diluted the African culture and traditions. In one of his anti-colonial texts named *A dying colonialism*, Frantz Fanon mentioned that:

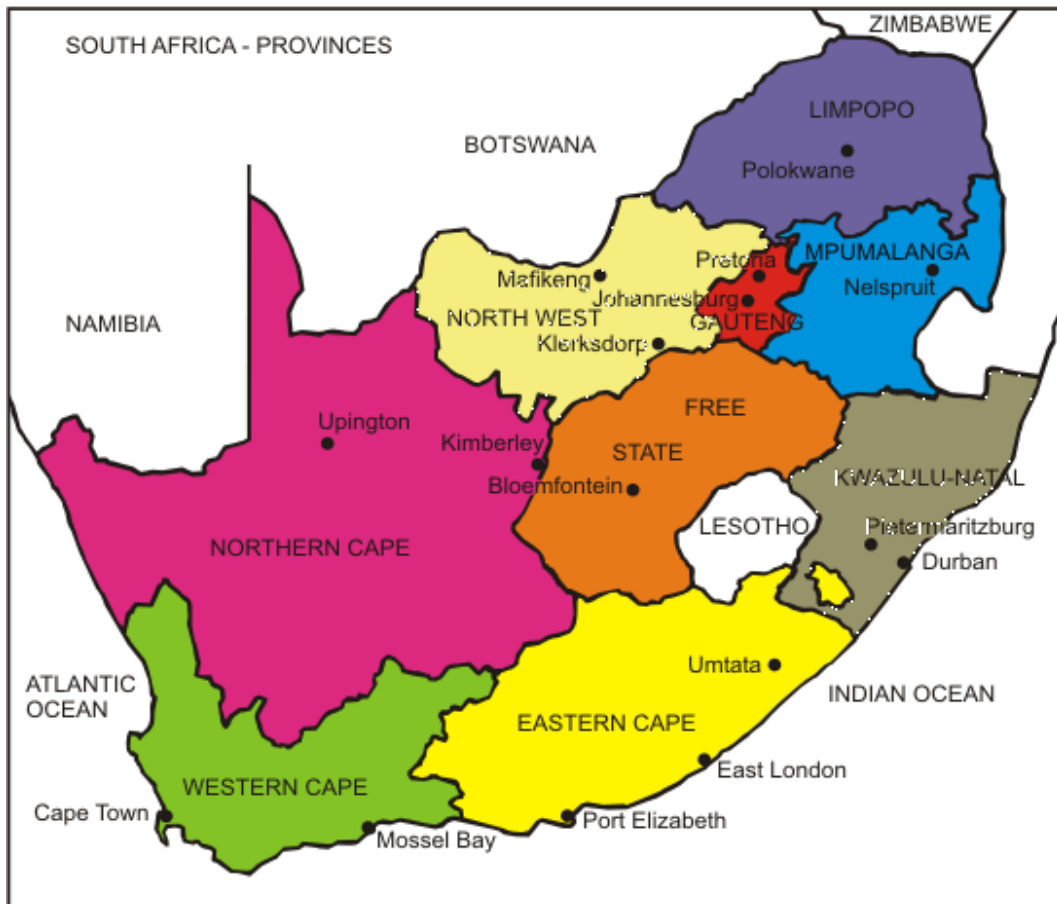
*There is not occupation of territory on the one hand and independence of persons on the other. It is the country as a whole, its history, its daily pulsation that are contested, disfigured, in the hope of a final destruction. Under these conditions, the individual's breathing is an observed, an occupied breathing. It is a combat breathing*².

South Africa was one of these countries which witnessed subjugation by the European imperialism. Nevertheless, the country was a distinct case of a colonial dominion. Not only was it a matter of exploitation, but it was also a colonial policy based on racial discrimination that left the country shattered for centuries.

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It is noteworthy to mention that South Africa, officially known as the Republic of South Africa is situated at the very Southern tip of Africa with an area of 221.037 km². The ninth largest country of the continent may be at the bottom of Africa, yet it is worldwide considered as being a top country in terms of geographical diversity, incredible climate, modern cities and an industrialized and developed economy. All these features are located all over major rural and urban areas including the capital Cape Town, Johannesburg, Durban, Port Elizabeth and others³. (See map 1 on page 2)

Map 1: *The Republic of South Africa in the 1990's*



Source: <https://www.sataxguide.co.za/wp-content/uploads/2015/03/south-africa-political-map.gif>

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Still, the major diversity of South Africa is in its incredible multiracial society and various official languages, the rainbow nation as it came to be known has four major racial population groups: the Black Africans, the White South Africans, the Coloureds and the Asians. As far as the official languages are concerned there are about eleven official ones: IsiZulu, IsiXhosa, Afrikaans, the English language, Sepedi, Setswana, Sesotho, Xitsonga, SiSwati, Tshivenda and isiNdebele⁴.

According to the different national censuses, the Blacks have always been the largest group in the country originating from different ethnic tribes. For example in 1996, they were 31.127,631 out of 40, 58 million people in South Africa⁵.

Eventhough, the Blacks were a significant majority, yet they were the most segregated group of South Africa for centuries because of the policy of racial discrimination during and after the colonial era.

According to different definitions, racial discrimination is any segregative practice that urges to treat any human on the basis of his race, colour or ethnic origin. It is also defined as a policy that favours one group on another one because of an unfair prejudice based on beliefs of superiority. Concretely, in South Africa discrimination dictated that the different races, Whites and non-whites, should be totally separated from one another; they should have their distinct living areas and develop their own institutions such as schools, and hospitals. Moreover, the non-Whites should have no rights to occupy significant posts because officially they were not citizens of South Africa.

This unbearable daily life that the Blacks suffered from the early coming of the Whites on the African soil resulted in the development of a resistance to this discrimination as the only solution for the welfare of the non-Whites and South Africa their beloved native country.

The history of black resistance started with the white conquest and white domination rejection. Then this resistance underwent profound modifications in the years following the concrete settlement of the first colonists in the seventeenth century .Each form of resistance represented a specific reaction and attempted solution to the political , economic and social problems generated by a white supremacy. Later, the distinct forms of Black resistance were also determined by

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changes in the natives' needs and consciousness, for they were bound by the historical and social context in which they originated and matured.

In this atmosphere of political awareness emerged the most resisting Black political party to White supremacy. It is known as the African National Congress (ANC). The ANC has a long history of struggle for freedom. It started from the days when the Black people became aware of that the Union of South Africa of 1910, was the beginning of a long fight for their rights as South African inhabitants⁶.

However, the worst nightmare of the Blacks and the ANC was the official introduction of the apartheid policy in 1948 through the victorious election of the white party known as the National Party (NP)⁷. From that moment on, discrimination was institutionalized, and racial laws touched every feature of the daily Black existence. To be born black under the NP government meant to live under poverty, inequality and unfairness.

The constant practice of repression and exclusion resulted in the rise of an anti-apartheid belief. All the black South African society including women, students, teachers, doctors and trade unionists were thrown into hopeless confusion. Popular uprisings and protests spread and became more effective and later militarized because of the torture, the unfair trials and the imprisoning of anti-apartheid leaders.

Many political parties were involved in the struggle for the non-Whites 'rights recognition including : the Pan-Africanist Congress (PAC), the Inkatha Freedom Party (IFP), the Black Consciousness Movement (BCM) and the United Democratic Front (UDF); nevertheless, the African National Congress (ANC) is the organization that was able to gather all the Blacks for decades⁸. Its peaceful protests gained important national and international consideration; however, the White South African's reaction was oppressive. It used force, jailed leaders, tortured and assassinated activists. This intolerable situation aggravated the political scene in South Africa and pushed the ANC to move from militant protests to military acts until the achievement of the sole goal: South Africa for all South Africans.

In this study, an attempt is made to examine the case of the African National Congress during the White government's rule, which grow up from a party that resisted oppression to a ruling political party of post-apartheid South Africa in 1994.

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Thus, the aim of this research work is to try to answer the following questions: How was the African National Congress formed? How did the party face the segregative laws against the non-Whites mainly the Blacks? Why did it choose peaceful resistance and why did it move to an armed struggle? And finally under which circumstances was the party able to become the first Black political party to rule South Africa?

The period, 1961-1999, is chosen on purpose, for it refers to the most crucial phase in the political course of the African National Congress. It is the historical shift from resistance to governance.

For the purpose of answering these questions, this thesis is divided into four chapters. The first chapter is a social and political background to the foundation of the ANC. There will be a special focus on the beginning of the very first race-based society; the introduction of racial discrimination as the main reason for the beginning of resistance and the influence of the westernized education on the Black elite that was provided by the missionaries. The final section deals with the birth of the ANC and its early pioneers.

The second chapter exposes the official introduction of discriminatory laws through the apartheid system. In 1948, after the National Party won the elections, it put severe pressure on the Black South Africans. They were targeted in all fields. In a similar situation, the ANC defended the rights of the Blacks through the organisation of protests with a particular focus on the Black working class. The choice of the Black workers is not done at random but for the purpose of showing the impact of apartheid on their existence even if they were the major force of the economic prosperity of South Africa.

The third chapter shows the context of the armed struggle as the ultimate weapon against the everlasting oppression of the White regime. Also, it will also examine the formation of the Umkhonto we sizwe Party (MK). The case of Robben Island resistance will also clarify the struggle of the ANC and the important role played by the revolutionary anti-apartheid leader: Nelson Mandela Rolihlahla Mandela.

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The fourth chapter attempts at shading light on the period of transition within the ANC from a long history of resistance to a democratic party with the very first Black South African President: Nelson Mandela to a multi-racial society.

INTRODUCTION

Notes:

- 1- Frantz Fanon(1925-1961) is a French West Idian psychiatrist, author, philosopher and a revolutionary from the French colony of Martinique .He is known for supporting the Algerian Revolution. Among his writings : *Black Skin , White Masks* (1952), *The Wretched of the Earth* (1961), *A Dying Colonialism* (1963) and *Toward the African* (1969).Quoted from <https://kentakpage.com/the-wretched-of-the-earth>.
- 2- <https://libcom.org/library/dying-colonialism-frantz-fanon>
- 3- J.Hamill, "South Africa and the Commonwealth: The Years of Acrimony," *Contemporary Review* 267, No. 1554, July 1995, pp.13-22.
- 4- P.Maylam, *A History of the African People of South Africa: From the Early Iron Age to the 1970s*. New York: St. Martin's Press, 1986, p. 36.
- 5- <https://apps.statssa.gov.za/census01/Census96/HTML/default.htm>
- 6- The Union of South Africa of 1910 gathered the four British and Dutch colonies including: the Cape Colony, Natal, Transvaal, and Orange River Colony.after long years of political and military conflicts.
- 7- T.Moodie, *The Rise of Afrikanerdom: Power, Apartheid, and the Afrikaner Civil Religion*. Berkeley: University of California Press, 1975.
- 8- C.Saunders, *An Illustrated Dictionary of South African History*, Sandton, Ibis Books and Editorial Services, 1994.p.51.

CHAPTER ONE

THE ORIGINS OF BLACK RESISTANCE AND THE BIRTH OF THE SOUTH AFRICAN NATIONAL CONGRESS: A HISTORICAL BACKGROUND

The beginning of black protest in South Africa can be traced back to the arrival of the early European colonists, who changed the lives of the indigenous people and left a profound effect on the South African society. Indeed, the settlers imposed their domination and introduced exploiting practices in order to gain profits from the people and their land. That occurred when the natives became progressively conscious about the purposes of the white colonial expansionism. It was under such circumstances that the black South Africans started to resist and fight against the white threat.

However, before dealing with the origins of black protest against the whites, an attempt is made to answer the following questions: How and why did the White settlers introduce racial superiority? What was the main role of the European missionaries? And how did the early educated Black South Africans contribute in the emergence of a political consciousness in the area? Then there will be a larger focus on the ways the Blacks led their resistance, and eventually the birth of the African National Congress.

CHAPTER ONE: The Origins of Black Resistance and the Birth of the South African National Congress: a Historical Background

1-The Coming of the White settlers and the beginning of a race-based social order:

Archaeological indication supported the statement that humans had lived in South Africa for over 100 000 years. These early humans were organized in hunting small groups and were the ancestors of the Bushmen and Hottentots, the early indigenous tribal groups as known by the white settlers¹.

These primitive people lived mainly along the high mountains, yet little is known about them. The Hottentots were utterly living on the coastal areas of the Cape and the different plains including Malmesburg, Caledon and Tulbagh². They were skilful pastoralists and shepherds. These early inhabitants lived by combining different types of activities. They relied, in the first degree, on the cultivation of land. The latter was only a source of primary significance, but it also had a spiritual one.

As in some pre-colonial African societies, the South African system of landownership was based on the following principles: according to Africans, the land could not be sold or bought. It belonged to God, to the Chief and finally to the members of the tribes³. The tribesmen lived on it and got their food from. The land was, therefore, an important propriety which was carefully supervised and maintained for generations. In order to minimize the ravages of the rain and the sun, they selected small fields and continuously worked to protect them from erosion. For the maintenance of this soil condition, they also used the “slash and burn technique”⁴. This technique consisted in using the derived ashes from the burning of the weed in order to enrich the soil. Later, the users after having worked the land for a few years, moved on to a new one. This tended to rest the land, and it allowed them to use it years later. For the majority of Africans, rearing of livestock was another important activity. They were good shepherds and mastered this activity. They used their cattle’s milk and tended the wool for various needs, including clothes making⁵.

However, the coming of the Europeans on the African soil had tremendous impact on them as humans, chieftaincy and on their lands. The Seventeenth and the Eighteenth Centuries were the golden ages for the European

CHAPTER ONE: The Origins of Black Resistance and the Birth of the South African National Congress: a Historical Background

trading activity and colonialism, and one of these leading European countries was the Netherlands⁶.

1.1. The Impact of the Dutch Colonial Rule on the African Community:

The Dutch developed a great colonial empire in Asia and founded the Dutch East India Company -.The Company, known as VOC, was established in 1602⁷.Its main function was to guarantee relations between the Dutch government and its colonies in Asia. Thus, the Dutch were in need for a safe wharf for their large ships as a midway for their long voyages from their motherland to Asia .The harbour would also be a recovering place for the ships and their crews in order to relax and recover .As a matter of fact, in 1652, the Commander in Chief of the East India Company Jan Van Riebeeck ,who was amazingly attracted by Table Bay, ordered the establishment of a temporary refreshment station on its shores: the Cape of Good Hope ⁸.Next , he ordered the construction of a fort ,the plantation of a huge vegetable garden and the building of a freshwater tank. Through the years vegetables grew abundantly and the crew members were able to recover from their long and tiring journeys ⁹.

However, it is noteworthy to mention that Van Riebeeck had no plans for the establishment of a permanent settlement in the Cape because he was an ambitious leader and was expecting a more important post mainly in one of the Dutch Asian colonies. After three years of its permanent establishment in the Bay, the Company started to face serious problems .Indeed, it failed to meet the needs of its growing crew staff and the production of food became insufficient to satisfy their demands. In 1657, the Company decided to release nine of the Company employees from their contract and gave them farming lands and slaves on condition that they remained part the company .The new farmers became known as freeburghers ¹⁰.

Eventhough the freeburghers- later known as Boers- were small in number at the beginning of their establishment in Rondebosch, they increased progressively in numbers mainly with the coming of new settlers who were also

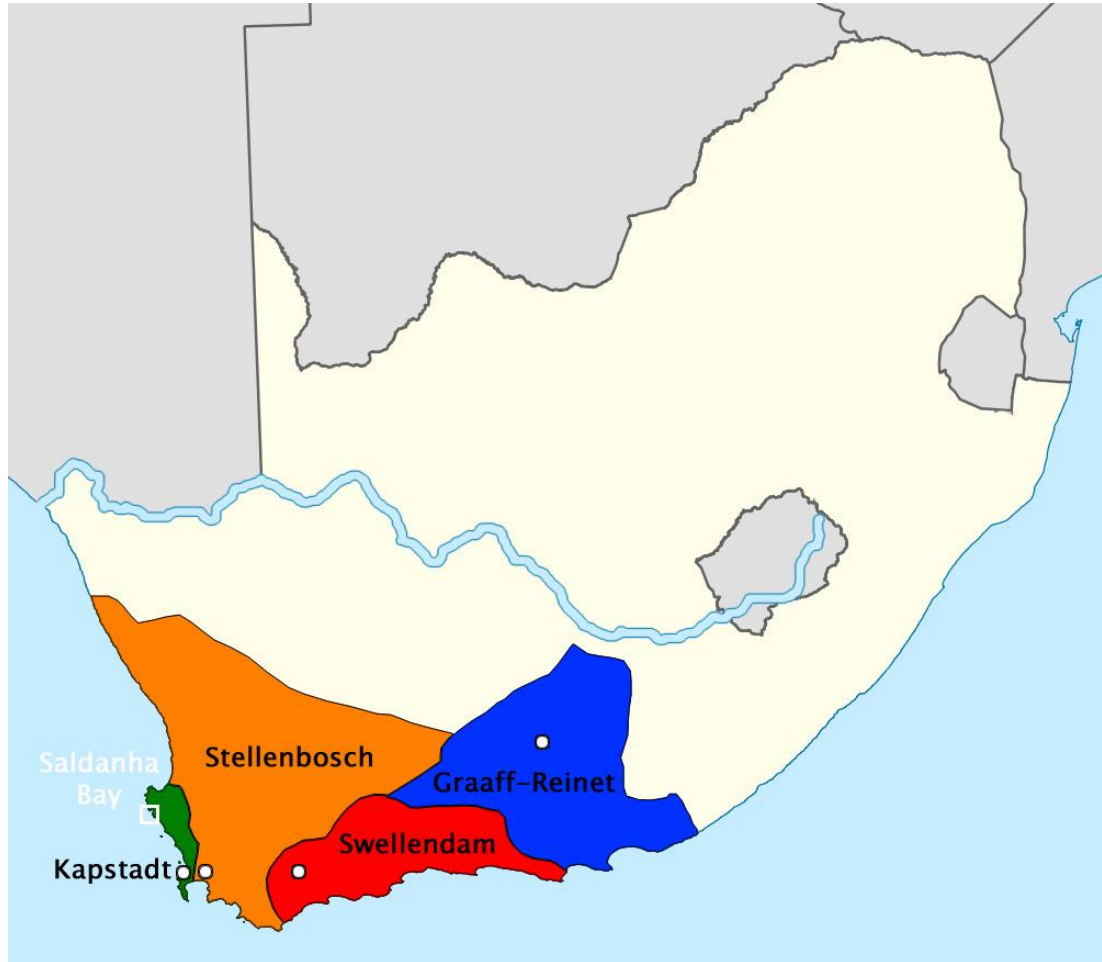
CHAPTER ONE: The Origins of Black Resistance and the Birth of the South African National Congress: a Historical Background

promised free lands¹¹. First, the retired members of the VOC joined them, then came a group of French Calvinist protestants known as Huguenots¹². Finally, the Company brought colonists and orphan girls from the Netherlands. Later VOC ordered Van Der Stel - the new Cape Governor in 1679- to encourage more immigrants because the Colony became a major continental shipping lane¹³.

In this respect, an increase in the number of the Cape settlers led to further territorial expansions towards the interior of the country, and new districts were created including Paarl in 1679, Stellenbosch in 1680 and Drakenstein in 1687¹⁴. For each district headquarter was appointed an official –known as Landrost-, aided by two clerks and if necessary soldiers to keep the vast districts secure. (See map 2 page 12).

CHAPTER ONE: The Origins of Black Resistance and the Birth of the South African National Congress: a Historical Background

Map 2: *the expansion of the Dutch settlement in the Seventeenth Century*



Source: commons.m.wikimedia.org/the expansion of the Dutch settlement/jpg

Probably the most significant transition in the social order of the new society, was the introduction of slaves in the Cape colony. The slaves were the basis of the working force in the Cape colony. They were brought from a wide range of areas including: West Africa, Mozambique, Bali, Madagascar and India in order to face the shortage in labour¹⁵. Others were already owned by the VOC and laboured on the Company's farms, outposts, and docks in Asian settlements. A smaller number landed in 1658 and came from the Guinea coast; another was of Angolan slaves captured from the Portuguese¹⁶. Here it is worth noting that as Dutch colonial settlement expanded in the late seventeenth century by expropriating of grazing land

CHAPTER ONE: The Origins of Black Resistance and the Birth of the South African National Congress: a Historical Background

and the destruction of Khoe and San societies, a number of deprived indigenous did work alongside slaves on settler farms¹⁷.

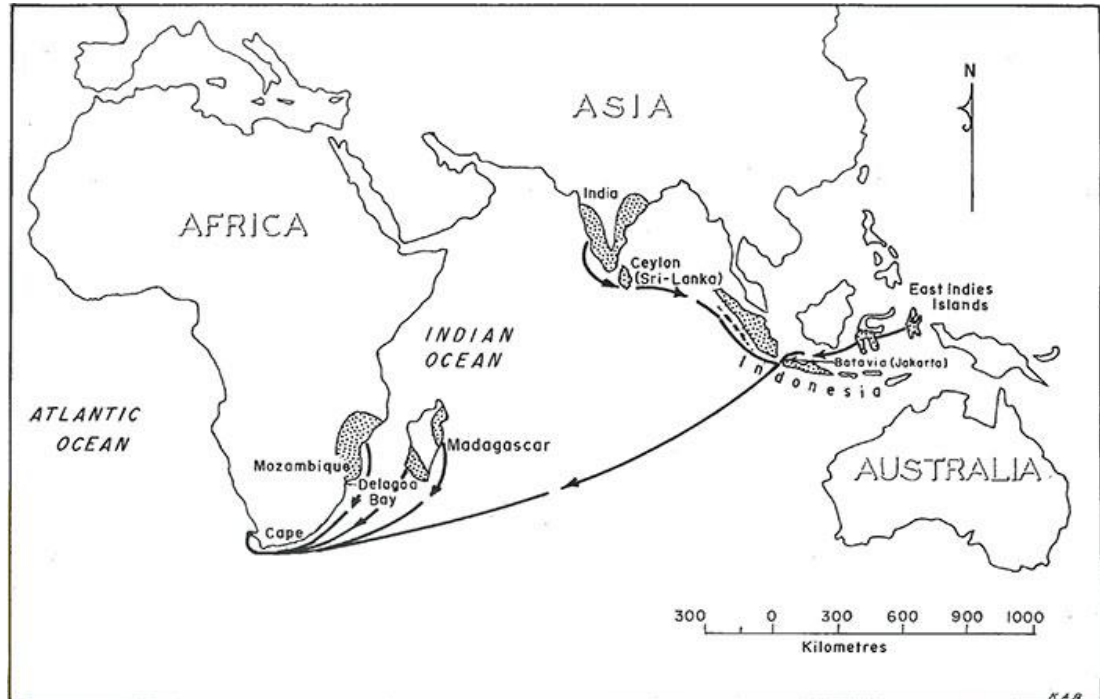
These new comers and the locals shared different languages, yet they welded into a united group for they were brutally subjugated to the colonizers. Indeed, in accordance with the VOC judicial policy, the slaves were severely punished once found guilty of any misconduct or violated the slave law¹⁸.

Throughout the years, the freeburghers became dependent on the slaves to secure the performance of manual tasks including: domestic works, building constructions, farming, carpeting and gardening. In the meantime, the slaves steadily outnumbered the white settlers¹⁹.at an annual average rate of 2.56 percent. For the sake of illustration, in 1700 there were 838 slaves altogether, of which 668 were adult males. The total was documented as 14,747 near the end of Company rule in 1793; in 1806 there were 29,861, and a total of 36,169 by the time of emancipation in 1834²⁰.

Initially, all slaves were owned by the VOC, but later farmers themselves could own slaves too. Slaves were used in every sector of the economy. Some of the functions of the slaves included working in the warehouses, workshops and stores of the VOC, as well as in the hospital, in administration, and on farms or as domestic servants in private homes. Some were craftsmen, bringing skills from their home countries to the Cape, while others were fishermen, hawkers and even as an auxiliary police²¹. The economy of the Cape depended heavily on slave labour. (See map 3 on page 14)

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Map 3: *The main routes of slave imports to the Cape Colony*



Source: Nigel Worden, *The Chains That Bind Us*, University of Cape Town Teaching and Learning Resource Centre, 1992.p.78.

The life of the slaves was inhuman, for they worked very long hours under harsh conditions. They were not given enough food and lived in poor and dirty conditions. Slaves were locked up at night, and had to obtain a pass to leave their master's place of work. They were not allowed to marry, and if they had illegitimate children, then they also the owner's slaves. Women slaves were often at danger of being raped by their owners or male slaves. Otto Friedrich Mentzel (1709-1801), a German clerk who lived in the Cape in the 1730's, reported that:

*It is not an easy matter to keep the slaves under proper order and control. The condition of slavery has soured their tempers. Most slaves are a sulky, savage and disagreeable crowd "It would be dangerous to give them the slightest latitude; a tight hold must always be kept on the reins; the taskmaster's lash is the main stimulus for getting any work out of them"*²¹.

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However, Menzel was fair to mention that

*...of this I could give many instances ;and if many historians have a good deal to say about the extraordinary wickedness of slaves, they should also point out the unchristian , often unhuman treatment they receive from their masters*²².

While there were many unfair practises inhibiting the life of slaves, there were also laws to protect them for abusive masters. For example, in theory, female slaves could not be beaten; otherwise, their owners would be punished for any ill treatment that may cause the death of the slave, but of course the laws were often ignored because the slave owners were often the wealthiest Whites of the Cape.

This situation encouraged a mentality of “superiority “among the white settlers who were convinced that they were beyond performing the same tasks as the slaves. As a matter of fact, it was the beginnings of” a colour consciousness” among the whites.

The main factor that reinforced the idea of superiority among the freeburghers was a religious one. The settlers thought themselves different from all the other races including the Company’s employees. They were also bound together by an extreme fundamentalist Calvinist version of the Bible .Broadly speaking, the believers were people of the Old Testament. Concretely, these first freeburghers, who used to speak the Dutch language, introduced gradually a new language proper to them that became known as Afrikaans since they considered themselves as Africans or part of the South African land²³.

However, the freeburghers added to their doctrine new principles proper to them .Indeed, they thought themselves as a protected race that was preserved by God’s good judgment .They justified such belief by the fact that they had common points with the Jewish who suffered, but God had given them unique grace because they were “the chosen people”²⁴. They were convinced they were the newly chosen people “on the way to the Promised Land “i.e. the moorlands of South Africa. As a matter of fact, they could not accept the idea of sharing their life style with any other race, for all the other races mainly the black one was too inferior to them²⁵.

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2. The British Colonial Rule and the African Society:

The second wave of white settlers who were eager to settle and exploit the area was the British. The beginning of their settlement had a different motives then exploitation .Indeed, when the Cape Colony was still part of the Dutch colonies, France defeated the Dutch Republic and founded the pro-French Batavian republic in 1795²⁶.Consequently , the French put under their control the VOC- the Dutch East India Company-, and threatened the British interests in East Asia and India .So, as a quick reactionary act , the British troops attacked the Dutch garrison of the Cape Colony and in September of the same year , 1795, the Cape town became under the British rule. .Officially, it was only after the defeat of the French in the famous battle of Waterloo by the British that the latter started to consider Cape colony a crown colony²⁷.

But it was important for the British to win the support and trust of the Dutch settlers in order to guarantee a peaceful occupation .The British succeeded in imposing themselves for two major reasons including. First, Cape Town was a small town that counted 20.000 White colonists only and 25.000 slaves comparing to the other British colonies ²⁸. Second, the British allowed the Dutch to keep their already existing practices: the use of slaves, their Dutch language, the Roman Dutch legal system and a religious liberty²⁹.

It is noteworthy that the British were not different from the Dutch colonists. Taking as a reference Colonel Richard Collins' report".... it was clearly mentioned That Whites and Africans should not have contact with each other , particularly for trade, until Whites were dominant in the region ”³⁰.

Effectively, the British government of Cape Town bound most of the Blacks to strict regulations. First, the Blacks who were obliged to work on white farms had to carry passes when travelling outside their habitation in conformity with the pass system of Caledon. Second, the non-whites were constrained to work on white farms rather than to become owners. This practice was regulated by the Cape

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Masters and Servants Acts of 1841³¹. In case, there were non-whites' desertions, some of the Whites used to form illegal troops to kidnap African children. The latter were, of course forced to work on white farm and replace the runaway adults.

Among the other major and crucial decisions the British government took was to encourage immigration to the Cape colony. As a result, in 1820, the first settlers arrived in Table Bay. From the Cape colony, the settlers were sent to Algoa Bay, later known as Port Elizabeth. The then Lord Somerset, the British governor in South Africa, urged the immigrants to settle in the frontier area of the Eastern Cape in order to secure and defend the area against the Xhosa people³².

The settlers were gifted farms and supplied tools and food against deposits. But these inexperienced new farmers had no interest in rural life mainly because they suffered problems such as drought, rust conditions that affected crops. Some decided to leave, but the ones who remained, made a considerable role in agriculture, by planting barley, maize and rye and developed wool farming³³.

The Abolition of Slavery Act ended slavery in the Cape officially in 1834. The more than 35 000 slaves that had been imported into South Africa from India, Ceylon, Malaysia and elsewhere were officially freed, although they were still bonded to their old masters for four years through a feudal system of "apprenticeship". For many years wages rose only slightly above the former cost of slave subsistence. The abolition of slavery and the emancipation of slaves caused a lot of resent. As a matter of fact, after their settlement they established their agents of imperialism such as missionaries, teachers and politicians in order to reinforce colonial system.

3. The Black Education and the Rise of a Black Political Awareness:

The emergence of a category of educated blacks is to be located in the early contacts the blacks and the early missionaries. Indeed, the missionaries who are essentially known as agents "of imperialism and capitalism" began to move to the black indigenous communities with a view to convert and civilize them. As stated by

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Charles Brownlee, Secretary for Native Affairs in 1873 that "... it is a matter of great importance that the young men brought up at and near Mission Stations should be ... trained to take their proper position in society"³⁵.

3.1. The Christian Missionaries and their Impact on the Natives:

European missionaries to South Africa played an ambiguous role in the history of imperialism of the area. From one hand, of course, they had a strong desire to serve and to bring improved quality life to the indigenous people .On the other hand, they contributed in making unfair judgments upon native values and norms .In the same context, Warneck mentioned in one of his writings that: "Without doubt it is a far more costly thing to kill them (indigenous population) than to civilise them"³⁶.

The initial stage of the missionary progress in South Africa, which started from the end of the eighteenth century led to an impressive expansion of the new faith among the indigenous people. Indeed, in order to guarantee a quick spread of the Christian belief, to win converts and to transform African tribes, various Christian missions opened schools and spread education. The first manifested themselves in an involvement in agriculture, irrigation and houses building. In 1889, the well- known French missionary Eugene Casalis (1812-1891), who was at the head of *La Société des Missions Evangeliques de Paris* (SMEP) in Lesotho said that:

*..... wishing to provide entirely for our own subsistence, we must have a site where we could build houses and cultivate the ground according to our own ideas and habits. Our buildings and plantations would also serve as a model for the Basutos, whom we regretted to see dwelling in huts, and living in a manner so precarious and so little worthy of the intelligence with which they were gifted."*³⁷

Local integration with the early missionaries in the Eastern Cape depended more on the introduction of furrow irrigation .It was a relation based on ability to learn new techniques for a better use of land rather than learning Christian teachings³⁸.

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Although, few tribes such as the Tswana and the Basotho easily welcomed missionaries, others including Pedi, Zulu and Pondo violently objected their presence and often took adequate decisions; whole groups moved away from missionary stations. Moreover, the ones suspected of Christian penchant were administered cure based on magic or they were excluded from the tribe's polity and its social order and removed to missionary settlements, thus being concretely excluded. As claimed by Campbell in 1815 when he said:” *Missionary stations are surrounded by moral atmospheres, or have a moral and civilizing influence to a considerable distance around, beyond which it is extremely hazardous for white men to go*”.³⁹

The missionaries ; however, kept spreading the Christian teachings, yet very few tribesmen converted to Christianity .The main reason for this is that the mission stations wanted to impose : “ civilized “ morality , ideology , guiding beliefs upon the locals without realising that this threatened their most basic social and cultural principles and were therefore largely rejected. As a matter of fact, Josiah Tyler reported in his book, *forty years among the Zulus* (1891) that the church at Nqumba, Natal, had used the following regulations among its members:

*No polygamist shall be allowed to become a member of this church.... he who sells his daughter or sister treats her like a cow, and cannot be received into this church.... no member of this church shall be permitted to attend a wedding if beer is drunk there, although he may have been invited to it.... No member of this church is allowed to go where there is slaughtering for the departed spirits.*⁴⁰

These "immoral habits" had been fought by missionaries because they became a concrete barrier for the conversion of the locals .As it was mentioned by Wilkinson when he said that:

Their bottomless superstitions, their vile habits and heathen customs - their system of polygamy and witchcraft - their incessant beer-drinks and heathen dances which are attended by unspeakable abominations - these present a terrible barrier to the spread of Christianity and civilization." ⁴¹

These missionaries did not give up their aim to convert more locals , as a consequence new preachers arrived in the area .The first missionary to enter in the Eastern Cape was Dr. Johannes Van Der Kemp in 1799⁴¹. Followed by Reverend

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Joseph Williams who entered the Ngquika's territory. Later they were joined by the Reverend John Brownlee, Rev. W. R. Thomson and Rev. John Bennie.

Later, many other Christian missionaries established schools in the indigenous areas. Their main effort was to induce the greater number of those people to assimilate a western education combined with the teaching of the Christian religion and the British cultural values. As a matter of fact, about twenty five missionary schools were present in the area, and the most active ones were: the London Missionary Society, The Wesleyan Methodist Missionary Society –better known as The Wesleyans- , The Glasgow Missionary Society and The Church Missionary Society, the Wesley Methodist Missionary School (WMMS), the Glasgow Society, (GS), the Moravas, the Berdin Society and finally and the Paris Evangelical Missionary Society⁴². (See map 4 on page 21)

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Map 4 : Christian Mission activities in the nineteenth Century



Source: <https://rsc.byu.edu/archived/go-ye-all-world/missionary-work-europe>

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The ability of these missionaries to convert the indigenous and to convince them to adopt a European behaviour was not an easy task for them. As claimed by Campbell that: "Missionary stations are surrounded by moral atmospheres, or have a moral and civilizing influence to a considerable distance around, beyond which it is extremely hazardous for white men to go."⁴⁴

Ironically speaking, the 1790's was the most fruitful decade in the history of the missionary thanks to two major factors. First, the arrival of missionary groups and the establishment of several stations, second, the introduction of trade school which formed the indigenous in different crafts.

The first missionary group to arrive in the Cape was the London Missionaries Societies known as the LMS. It was established in 1799 and by 1816; it was followed by twenty missionary stations⁴⁵.

Most of the stations achieved fame and attracted a great number of converts. They are also remembered for their anti- slavery campaign and the focus on the needs of the local mainly the teaching of new crafts. In this context, Mathew Blyth reported to the Cape parliament in 1879 that:

More large school with European masters, where traders could be learnt and discipline enforced, are wanted in every distinct, so that these may be more thoroughness about the education. The expense would be large, but it is a matter of vital importance to the colony that the young can take their places worthily as members of a civilized and instructions community⁴⁵.

In 1879, the German Gustav Warneck detailed in his writings the process for an easy involvement of the new converts into a better daily life and wrote:

*It is not only that the requirement of modesty necessitates the providing of some sort of clothing, however simple; but Christian morality desires also a dwelling corresponding to human dignity, decency and purity. Building plays an important part in the mission. First the missionary builds a simple small house for himself, to which he soon adds a school and a church. Generally he must himself superintend this work; often enough, indeed, he must execute it with his own hand, and it stands him in good stead to have been a tradesman at home. But he induces the natives also to help him, and, much patience as it requires on his part, he undertakes to instruct them. Gradually his word and his example produce their effect, and the converts from heathenism begin to build new and more decent dwellings for themselves."*⁴⁶

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3.2. The Introduction of the Printed Press and its Use by the Early Educated Locals:

Nevertheless, the most important gain of the Black converts was the introduction of the printing press. Indeed, in 1823 Reverend John Ross, introduced the use of printed documents including some religious hymns and an elementary spelling book.⁴⁷

Another key influence in the education of the Black was the translation of the literary works of the active missionaries. For example, the Lovedale mission school issued the *lovedale press* and began publishing the translation of biblical English books. Meanwhile, in 1823, the Colonial Secretary agreed the publication of the first South African Journal for the Whites. It was edited by a Scottish poet called Thomas Ringle. As far as the Dutch literary production is concerned in 1830, they started editing *De Zuid Afrikaan* paper. Its main goal was to promote the Afrikaans ad language and Afrikaans Nationalism⁴⁸.

In the same issues, the whites devoted newspapers for the black readers as well. The originality is that they were written in South African languages mainly Xhosa. In fact, in 1837 the Journal *Unshunayeli Ulendaba* was issued. It was edited by the Westley Methodist Missionary Society. In 1865, it was followed by the translation of the bible for the Xhosa as a first step in the history of written African literary. It was followed by the Glasgow Missionary Society which issued *Ikwezi*. Then in 1862, a monthly magazine called *Indaba* or the news was produced by Lovedale Mission School⁴⁹.

All this was in favour of the educated Blacks who were already involved in school activity and many of them wanted to be teachers, interpreters and countables.

It is difficult to say which the first black contribution in newspaper writing was; however, it owed to the efforts to the first great black literary figure: Tiyo Soga (1829-1871)⁵⁰. Soga is known for his literary contribution. He co-translated the bible into Xhosa language. He also, translated *Pilgrim's progress*. But,

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for sure, its main contribution started in Journalism field. In 1862, Soga contributed in Indaba issue by producing an article entitled “*A National Newspaper*”⁵¹. This written article had a significant meaning to all the Blacks for its oral traditional methods of information to written news. In a passage of one of his articles, Tiyo Soga says:

*We, Xhosas, are a race which enjoys conversation. Then sense of well-being among us to hear something new.One advantage we shall reap with the coming of this journal in that we will be confident that the people now will get the truth about affairs of the nation*⁵³.

Soga had also been an outstanding contributor of the *Kaffir Express* magazine mainly in Xhosa section entitled *Isigidimi Sama Xosa* – The Xhosa Messenger-. Its main goal was to induce the Blacks’ habit of reading⁵⁴.

These early literary contribution by the non-whites was followed by the formation of a Black Journalism. The Blacks, who were formed in the difference missionary schools, became familiar with technical skills for writing, puling, and publishing, and eager to improve the quality of Black literary.

In 1876, the *Isigidimi Sama Xosa* became an independent Xhosa language monthly journal situated in Lovedale. Later, it became the first independent African newspaper in the areal edited by Elijah Makiwane, J.T. Jabavu, J.K. Bokwe and W.W. Gqoba in different times. The main issues discussed were religion and education, and later provided a basis for political action⁵⁵.

The editors were the first initiators who bought significant changes in the mind of the African reader. In the 1880’s, I.W.W. Citashe wrote his famous poem on the lines of *Isigidimi* .He urged the Black people to bring a change in response to white power. Citashe wrote:

You cattle are gone, my countrymen!

Go rescue them. Go rescue them!

Leave the breechloader alone

And turn to the pen

Paper and ink

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For that is your shield

Fire with your pen ⁵⁶

A new era of literacy protest started emphasizing on a new education, new aspirations and a new way of life. Although the class of these christianized educated Blacks were westernized, yet they perceived that their interests should be independent and proper to them. The main figure towards this new phase was John Tengo Jabavu (1859-1921). This Somerset East teacher was an apprentice of the local Somerset Budget and Courant, and in 1881 became editor of the *Isigidimi Sama Xosa* journal⁵⁷. His main achievement was the foundation of a weekly Xhosa newspaper known as *Imvo Zabantsundu*, which means African opinion.

Imvo Zabantsundu became so popular that Elijah Makiwane (1850-1928), a famous journalist and one of the founders of the *Cape Native Teacher's Association* acknowledged the role of both the newspaper and its founder. He stated in one of his lectures: "In any case, the *Imvo* is a great effort and the man who had the courage to face what is involved in starting such a venture will deserve praise...."⁵⁸

Thanks to *Imvo*, Jabavu became the most influential politician in the Cape. Indeed, he did shed light on the unfairness that was exercised against the Blacks. For example, his intervention through the lines of *Imvo* secured the release of Chief Sigcau from Robben Island jail because the charges against him could never be proved, or his prevention of a Pondoland unrest.

However, the most significant challenge of Jabavu and *Imvo* was the opposition to the Glen Gray Act of 1894, emphasizing on the fact that 'the natives, it must be not forgotten, have no presentation in the Parliament of the Colony'⁵⁹. Regardless the fact that Jabavu had sympathies from the English speaking politicians and some Afrikaners, *Imvo* was banned by the military authorities during the South African Union early years.

Meanwhile, *The Kaffir Express* continued in English only, changing its name to *The Christian Express*⁶⁰. This magazine attracted the contributions of the

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well-known names of the educated elite: Elijah Makiwane, John Knox Bokwe, Sol Plaatje, John Tengo Jabavu, and many others⁶¹.

Broadly speaking, not only were Black newspaper editors' contribution an important step for the educated elite, but they were also able to target all the Blacks who were under the rule of the White South African government.

It is noteworthy that the influence of the missionaries was not limited to the actual starting of newspapers, but, Lovedale, Healdtown Adams Training College and others helped produce most of the key early black politicians. Charles Brownlee, the then Secretary for Native Affairs, issued a circular in 1873, in which he made it clear that: “ *It is a matter of great importance that the young men brought up at and near Mission Stations should be ... trained to take their proper position in society* “. ⁶²

3.3. The First Black resistance to the colonists:

The educated locals reached an important level of educational maturity, yet some of the tribesmen who rejected the colonial presence fought over land and cattle. Consequently, in the 1860's, Britain brought huge armies, rifles and cannons take control of South Africa.

As a matter of fact, a war occurred between the Whites and the Basotho people. This war which lasted four years from 1865 to 1869 resulted in the Basotho loss of their grazing land. Furthermore, they plunged into poverty and were forced to leave the area. In 1878, the Griqua people were crushed by an important British army .The Bapedi people of the north –eastern Transvaal were also forced to move from their traditional land. By 1900 Britain had won over the resisting African kingdoms that fell under the colonial government control⁶³.

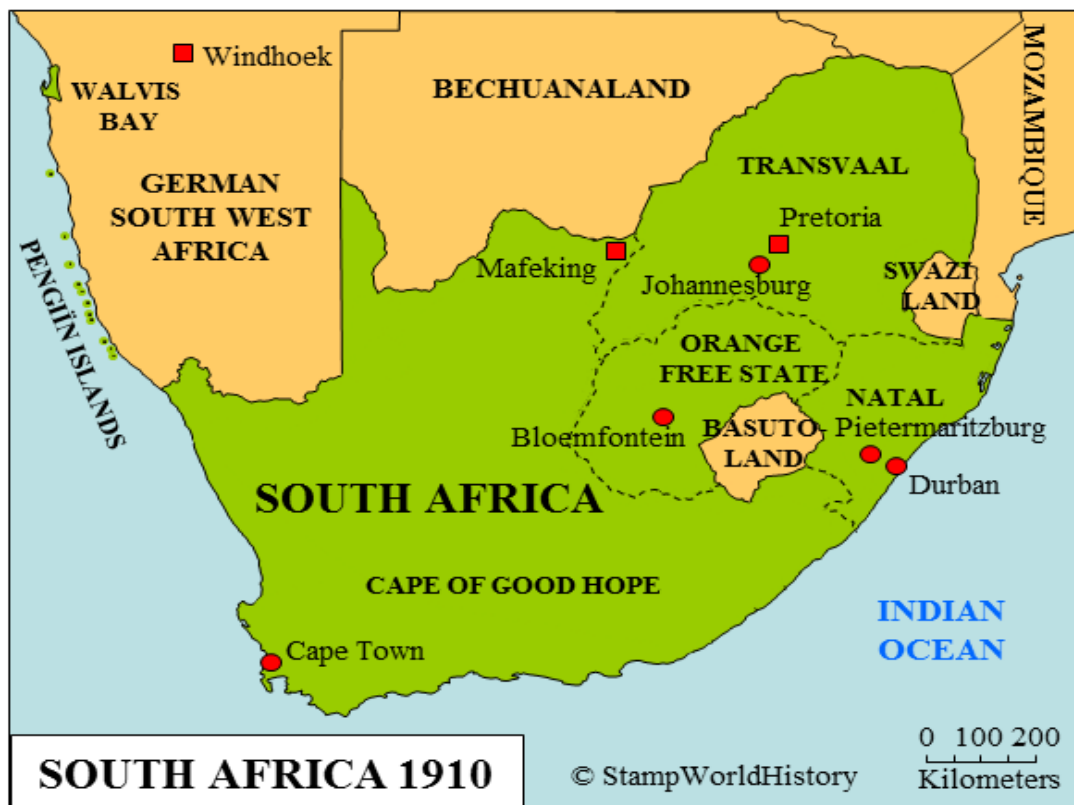
3.4. The Union of South Africa of 1910 and the Implementation of Official Discrimination:

The co-existence of the Boers and the English speaking Whites led to the creation of the South African Union on May 30, 1910⁶⁴. This new union created a White government that established a new constitution and three major administrative

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regions: Cape Town as the legislative capital, Pretoria and Bloemfontein were the administrative and judicial ones respectively .It also fixed the boundaries of modern South Africa. (See map 5 on page 27)

Map 5: *The Union of South Africa of 1910*



Source: https://en.wikipedia.org/wiki/Union_of_South_Africa

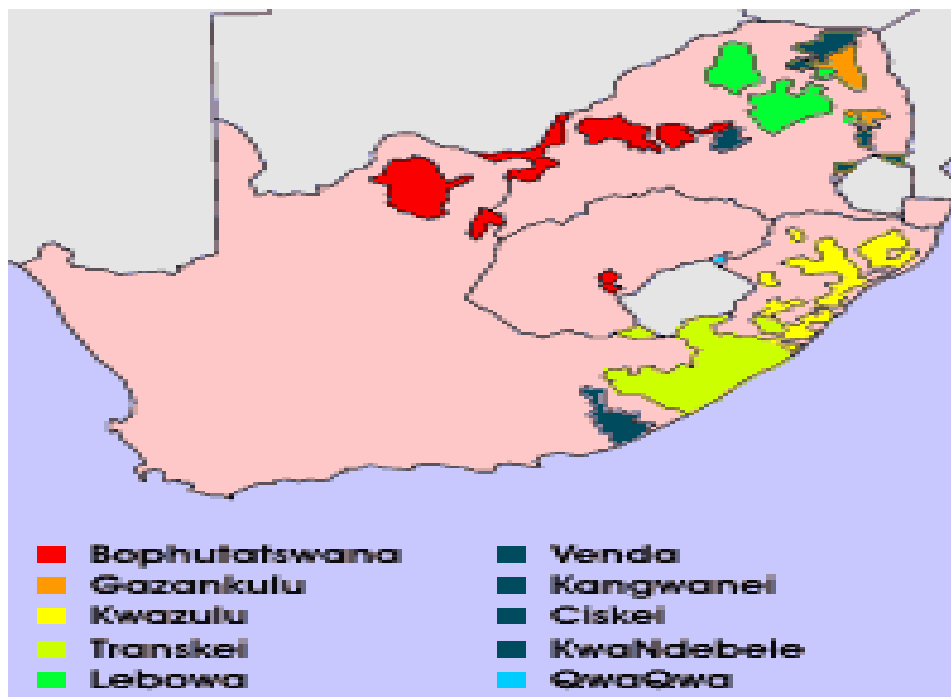
The 1910 proposed constitution provided for the welfare of both the British and the Boers .The Boers who have already experienced the oppressive rule of the former British government decided to go beyond their differences and worked for their common welfare. Moreover, they worked for the implementation of the discriminatory political views for the maintenance of a white supremacy as stated in the former constitutions of the two Boer Republics, the Transvaal and the Orange Free State. The latter stated that the White race was a superior race and could never equal the Black one and forbade any equality between the two races. Therefore, the Union constitution was the continuity of an already legalized racial discrimination.

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By 1911, more than 25% of Africans were Christians and many had degrees of missionary education⁶⁵. The growing educated Africans viewed the South Africa Union as a betrayal, especially which they had supported the British war against the two Boer Republics and many served in the British army⁶⁶. Thus, it was clear for the African elite that political power would be used by Whites to advance their political, social and economic positions at the expense of Africans.

Meanwhile, the economy of South Africa witnessed an industrial revolution through the discovery of the Kimberley diamonds and the Witwatersrand gold mines in 1867 and 1886 respectively⁶⁷. Mine magnates like Cecil and Herbert Rhodes who founded the famous the De Beers Company wanted large numbers of natives to work for them. Therefore, the then government introduced the 1913 land Act⁶⁸. The latter restricted the area where the Blacks could purchase or own land and drew separated reserves, homelands of the natives, in order to limit to move to the areas reserved to the white minority(See map 6 on page 28).

Map 6: *The Black Homelands*



Source: <http://mapsof.net/south-africa/homelands>

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Immediately after, families lost their lands; for others, it became very difficult to live in restricted areas where the daily life became limited in commodities and resources. The disastrous 1913 Land Act was the cause poverty and overcrowding. As a matter of fact, the Blacks were compelled to look for work on the mines.

The Act was followed by the introduction of the pass system. Its main function was to control their movements and made sure they worked either on the mines or on the farms, and compelled them to go back to their reserves as a permanent place of living.

The life of the Black people began to worsen and with no guarantee of rights .This situation was the turning point in their history of fighting .It became urgent for an organized political action against the oppression of the Whites.

While African people were not represented in the negotiation of the constitution, they were not prevented from petitioning the convention drafting it. The fear of losing what rights they did hold agitated many African people and boosted support for the few organizations that represented their interests. Upon the convergence of such interests, African organizations consulted with each other to find ways of influencing the convention. This, in part, laid the basis for a single national organization.

4 -The birth of the African National Congress and its Early Pioneers:

The wars against the European settlers were characterised by courage, rejection, fighting and defeat, pathed the way to a Black maturity. Africans had to find new ways to fight for their land and their freedom. Initially, On January 8th 1912, chiefs, representatives of locals and Black churchmen, and other prominent educated people assembled in Bloemfontein and formed the first Black South African Party: the South African Native National Congress (SANNC, renamed in 1923 the African National Congress, ANC) ⁶⁹. The ANC aimed at bringing the Africans together to defend their rights as part of the South African nation. The ANC

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had to keep their ancestral spirit of resistance .It also had to bring millions of Blacks in the struggle for justice. Its policy is was a history of struggle.

However, as a first test, the lack of experience of the members of the SANNC was clearly confirmed when their representations to the South African Party (SAP) government to discuss the enactment of the Natives Land Act of 1913 were disregarded⁷⁰. Their eagerness to serve the Blacks was, yet greater. In 1919 the Party led a campaign against the passes in Transvaal, and then it supported the strike of the African mineworkers in 1920 even if most of the SANNC leaders disagreed with the launch of strikes or protests. For the leaders, discussion with the British government was the only legal issue for the recognition of their rights.

This unrealistic strategy meant that the ANC was not very functional in the 1920s; the trade unions had a better role such as the Industrial and Commercial Workers Union (ICU) .It was formed in 1919 and the most effective body in rural and urban areas⁷¹. The ICU won some crucial victories for its workers .It was then the Communist Party as the first non-racial political organisation in South Africa to defend the rights of the Blacks through militant actions.

Josiah Gummed was elected President of the ANC in 1927. He tried to co-operate with the communists to revive the ANC; however, in 1930, Gumede was voted out of office and the ANC became inactive in the 1930s⁷².

4.1. The Foundingfathers of the African National Congress:

- **John Langalibalele Dube (1871-1946) :**

John Dube was born on 22 February 1871 at Inanda Mission station of the Natal. His parents were James and Elizabeth Dube⁷³.

John Dube was born of a royal ancestry, and by right was a Chief of the AmaQadi tribe, but because his father was a Christian converted and became a Congregational Minister in Inanda Station, he had no right to rule over his AmaQadi people .The latter refused the indoctrination of the missionaries 'influences over the indigenous ancestral beliefs.

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Dube spent his early educational years at Adams School at the Inanda station. Later in 1887, after the death of his father, he was entrusted to a missionary couple, and left his tribe in order to study in the United States specifically in Oberlin College, Ohio. He was accompanied by his close friend Wilcox. It is believed that this latter had financially sustained Dube during his stay in the United States. From 1888 to 1890, Dube registered at the Oberlin preparatory school to study the sciences, mathematics and classical Greek works, and later studied at the Union Missionary Training Institute in Brooklyn⁷³.

While Wilcox was on his lecture tour, Dube accompanied him, and he was given the opportunity to lecture as well. Indeed, he went all through Ohio, Pennsylvania and New York. Successfully, Dube raised an amount of money which was then used to build a school in native South Africa. In parallel, he published a book entitled: *A Familiar Talk Upon My Native Land and Some Things Found There*⁷⁴. The publication of the book meant a lot to John Dube. From one hand, his work revealed the depth of the unbalanced reality of his struggle to find an issue of a mission-educated black person's struggle to balance with his traditional ethnic beliefs. On the other hand, he was able to show that literary writing skills he acquired during his long years away for his Natal.

In 1892, he married Nokutela Mdimba, later known as Angelina Dube. In 1900, he decided to found the first black owned institution in South Africa known as the Zulu Christian Industrial Institute, at Ohlange where the learners were supported to read in their own language⁷⁵. In 1901, the institute was renamed the Ohlange Institute and had nearly 100 pupils where they could obtain education. Its funds relied on the financial support of the American Board of Missions and the students' tuition of \$12.00 for a term⁷⁶.

Meanwhile, Dube also started the first Zulu newspaper called *Ilanga laseNatal* -The Sun of Natal-, in order to provide practical guidance for future Zulu writers. The profound influence of Booker T. Washington on the person of Dube during his long stay in the US also helped him in inspiring other indigenous people to better defend their educational and political rights.

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As a consequence, in July 1900, Dube who established close bonds with politically committed educated blacks, decided to form the Natal Native Congress (NNC). The main concern of the Congress was mainly centred on: equality and justice for all and the indigenous representation in parliament⁷⁷. Occasionally, Dube used his newspaper to publish articles in English for the white population. In September 1906, Dube was called for a meeting of the Transvaal, Cape and Natal congresses over black landownership and the poll tax that was imposed on the Blacks.

At the same time many meetings were held by Africans, Coloureds, and Indians to protest the white's privilege to discuss the constitutional draft that occurred from 1908 to 1909. As a consequence, in 1909, Dube took part in a non-whites' delegation left South Africa for London to hand a petition to the English House of Commons against the Act of Union of 1909, but the deputation failed.

The situation, however, was aggravated by the Whites debate over the Natives Land Act in 1911 neglecting the black's representation. Therefore a hundred of South Africa's educated African elite met at Bloemfontein on January 8, 1912, to launch the South African Native National Congress, and Dube became its first president of the SANNC⁷⁸. He urged the members to be united for a better defence of the grievances of the non-Whites in the wake of the creation of the Union of South Africa.

John Langalibalele Dube is the founding president of the ANC, but also a scholar, a poet, a teacher, a man of letters, and a prominent black political leader who gave path to the indigenous elite to better understanding the tenuous position of the Blacks. As stated by Vil-Nkomo in 1946, when he wrote: "*Dube has revealed to the world at large that it is not quite true to say that the African is incompetent as far as achievement is concerned*"⁷⁹. On 11 February 1946, John Dube passed away.

- **Solomon Plaatje (1876 -1932) :**

On October 9, 1876, Solomon Plaatje was born in the Boshof district of the Orange Free State Province. His parents were Kushumane Johannes Plaatje Mogodi

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and Kethanecwe Botsingwe. By 1836, both his mother and father became a converted Christians, thanks to the Berlin missionaries of Philippolis⁸⁰.

During his early education, from 1884-1890 Plaatje joined the primary school at the Berlin mission of Pniel where he was taught several skills including English, Tswana, Dutch, arithmetic, and handwork. In 1894, he obtained his Cape civil service Certificate. Successfully, later he worked as a court interpreter and magistrate's clerk⁸¹. Moreover, thanks to his mastery of at least eight languages, he interpreted for high-ranked British officers. During this period, he became an important figure in black journalism. Indeed, he edited two independent newspapers. In 1902, he founded the *Koranta ea Bechuana* newspaper in Tswana and English. In 1913, he renamed it *Tsala ea Batho*, but ceased in 1915⁸².

In 1912, he became the first secretary-general of the African National Congress. As a matter of fact, Sol took part in a protest deputation to Britain against the Union's 1913 Native Land Act; however, the deputation was not able to bring home solutions for Britain was on the eve of the First World⁸³.

While defending the rights of Blacks, he published several books on the social. The first, '*Native Life in South Africa: Before and since the European war and the Boer rebellion*' was written in 1916. The same year, he published '*Sechana proverbs with literal translations and their European equivalents/ Diane tsa Secoana le maele a sekgooa a a Dumalanang naco*', followed by the book entitled '*A Sechuana reader: an international orthography with English translations*'⁸⁴. Later, in 1921, during his stay in the United States, he published '*the mote and the Beam: An epic of sex-relationship 'twixt white and black in British South Africa*'⁸⁵.

As far as his political contributions as concerned, Plaatje founded the Brotherhood society in 1921 for a racial harmony in the South African society. In 1937, he represented the ANC at the Pretoria conference. He also defended the Black working conditions with a special focus on the mining workers. He later inspired him to write his political work, a novel in English, '*Mhudi: An*

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epic of South African native life a hundred years ago' (1930). On 19 June 1932, Solomon Plaatje died in Pimville, Johannesburg, but was buried in Kimberley⁸⁶.

- **Seme Pixley (1881-1951) :**

Pixley was born on 1 October 1881 in Natal. His father is Isaka Sarah (nee Mseleku) Seme. It is noteworthy that little schooling data is available on Seme. As a primary school pupil, he studied at a mission school. Pixley went to the United States to further his studies with the help of an American Congregationalist missionary, known as S.C; Pixley. Indeed, he joined the Mount Hermon School in Massachusetts, prepared a BA degree in Columbia and later obtained a Law degree from Oxford University. In 1910, he came back to his native South Africa⁸⁷.

His fame helped him in taking part in the foundation and the structuralization of the SANNC. At the founding Congress, Seme delivered the keynote address, and suggested Dube to be elected as the SANNC president.

- **Alfred Britini Xuma (1893- 1962):**

Alfred Xuma was born in 1893. He is from an aristocratic Xhosa family, Transkei. He was educated in hometown and later occupied different posts including horse trainer, teacher train waiter and shipping clerk⁸⁸. During his quest for a better educational opportunities, he read about studies in the United States of America.

In 1913, he went to New York where he entered different universities and studied successfully. Once he graduated a Doctor of Medicine, he left New York for Glasgow and Edinburgh where he specialized as gynaecologist. In 1927, he came back to his motherland where he opened a surgery in Sophiatown⁸⁹.

Dr. Xuma was in parallel interested in politics mainly because he noticed that the presence of the white's colonists did not help the natives to progress, but to worsen in all the fields of the South African society. He, therefore, was self-involved in politics, and because of his good reputation among the Black thinkers and leaders, he was voted president of the African National Congress in 1940⁹⁰. Yet, he had to

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face challenges within the organization .The most important challenge was to bring dynamic young active members in order to revive the scattered organization. He was successful in his attempt for he is acknowledged for being responsible for bringing some of the most prominent youth to the ANC like Nelson Mandela, Walter Sisulu and Oliver Tambo. Dr. Xuma is remembered as one of the country's most influential historical figures.

Broadly speaking, the foundation of the African National Congress was preceded by important stages which allowed it to come into being with a strong educational and political background. The ANC inspiration started from the tribes' culture and traditions, then the eagerness of the young Blacks to learn and get a proper education in order to understand their situation that was imposed by the colonists. Another important factor was the ability of the Blacks to use the pen in order to express themselves. Nevertheless, their enthusiasm was slowed by the coming into power of the National Party and the implementation of its doctrine known as apartheid.

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Notes:

1. R.Elphick, *Kraal and Castle: Khoikhoi and the Founding of White South Africa*. New Haven, Yale University Press, 1977.p.71.
2. Ibid.p.74.
3. R. Elphick and B. Hermann Giliomee, *The Shaping of South African Society, 1652-1840*, Connecticut, Wesleyan University Press, 1989.p.43.
4. Ibid.
5. A.Elliott, *Zulu: Heritage of a Nation*. Cape Town: Struik edition, 1991.p.12.
6. The Netherlands is the country also known as the Dutch colonial empire compromised trading posts in Asia and overseas territories.
7. Prior to the arrival of van riebeek and his crew, South Africa was discovered by the Portuguese explorers Bartholomew Dias and Vasco De Gama during the last decades of the fifteenth Century .The Dutch East India Company is officially known as *Vereenigde Oost-Indische Compagnie* in the Dutch language. R. Bradlow, *Francis Masson's Account of Three Journeys at the Cape of Good Hope, 1772-1775.*, Cape Town, Tablecloth Press, 1994. p.49.
8. Jan Van Riebeck (1619-1677) was a Dutch colonial administrator .He became the Commander of the Cape from 1652-1662. K. Schoeman, *Early Slavery at the Cape of Good Hope, 1652–1717*. Pretoria, Protea, 2007. p.102.
9. Ibid.
- 10.The freeburghers are the independent farmers who used to work for the VOC and became farmers.They were allowed, however, to sell their produce to the VOC.
- 11.The boers, farmers in Dutch, meaning farmers.
- 12.Calvinism is a Protestant branch of the Christian religion, and the Huguenots are the French Protestants who rejected the recommendations of the Roman Catholic Church because they believed that they should refer to the word of God only.
- 13.W. de Klerk, *The Puritans in Africa: The Story of Afrikanerdom*, London, R.Collings Publisher, 1975.p.145.

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- 14.N. Worden, "Slavery in Dutch South Africa", *African Studies Series*, No. 44. New York, Cambridge, University Press, 1985. p.36.
- 15.N.Worden, and C. Crais, *Breaking the Chains: Slavery and Emancipation in the Nineteenth Century Cape Colony*, Johannesburg, Witwatersrand University Press, 1994.p.76.
- 16.Ibid.
- 17.D.Dooling, *Slavery, Emancipation and Colonial Rule in South Africa*, Ohio ,Ohio University Press,2007.p.49.
- 18.Ibid.
- 19.Ibid.p.70.
- 20.Ibid.
- 21.Quoted from Mentzel, *A Geographical and Topographical Description of the Cape of Good Hope*, Cape Town, 1921. p.39.
- 22.Ibid.
- 23.Calvinism extremism
- 24.As mentioned from in the Deutronomy Bible, Chapter 14"*For thou art a holy people unto the Lord thy LORD hath chosen thee to be is own treasure out of all peoples that are upon the face of earth*" .mechon.mamre.org
- 25.Ibid.
- 26.Willem de Klerkop.cit.p.164.
- 27.Ibid.
- 28.D.Dooling, op.cit.p.91.
- 29.Willem de Klerkop.cit.p.157.
- 30.Quoted from W. Nigel. "Cape Slaves in the Paper Empire of the VOC." *Kronos* N: 40 Special Issue, November 2014, pp.23–44.
- 31., J.S. Bergh , and J.C. Visagie, *The Eastern Cape Frontier Zone, 1660-1980: A Cartographic Guide for Historical Research*,Durban, Butterworths, 1985.p.28.
- 32.The Xhosa people are an ethnic group of South Africa.They are composed of several but distinct groups including:amaRharhabe ,

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- imiDushane,amaNdlambe,amaGcalekaand
others://en.wikipedia.org/wiki/Xhosa_people
- 33.R.Elphick, *Kraal and Castle: Khoikhoi and the Founding of White South Africa*. New Haven, Yale University Press, 1977.p.35.
- 34.W. de Klerk.opcit.p.73.
- 35.Ibid.
- 36.Also known as Mission *de Paris* was a Protestant missionary society founded in 1822. It founded several under the guidance churches in Africa of the Reformed Church in France.
- 37.R. R. Inskip, the *Peopling of Southern Africa*. , New York, Barnes and Noble, 1979.p.58.
- 38.W. de Klerk.opcit.p.33.
- 39.Quoted from V. February, *The Afrikaners of South Africa*, New York, Paul International, 1991 .p.21.
- 40.Ibid.
41. W. de Klerk.opcit.p.45.
- 42.Ibid.
43. Ibid.
- 44.A.Hasting, *The Church in South Africa: 1450-1950*, Oxford, Clarendon Press, 1996.p.43.
45. Ibid .
- 46.Quoted from de Klerk.opcit.p.76.
- 47.L.Switzer and D.Switzer , *The Black Press in South Africa and Lesotho: A descriptive bibliographical guide to African, Coloured, and Indian newspapers , newsletters and magazines (1836-1976)*, Boston, G.K.Hall and Co.,1979.p.105.
- 48.Ibid.p.107.
- 49.M.Kantey, *Publishing in South Africa*, Cambridge, Cambridge University Press, 2011, p.43.
- 50.L.Switzer and D.Switzer, op.cit.p.108.

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51.Ibid.

52.Quoted from M.Kantey.op.cit.p.103.

53.Ibid.

54.Isigidimi Sama xosa is one of the Xhosa language newspapers .There were also: Umshumayeli Wendaba, Ikwezi,Isitunywa Senyanga,indaba,Izwilabantu,Imvo Zabantsundu and Inkundla Ya Bantu.

55.L.Switzer and D.Switzer, op.cit.p. 35.

56.L.Switzer, *Power and Resistance in an African Society: the Ciskei Xhosa and the making of South Africa*, Wisconsin, The University of Wisconsin Press , 1993,p.44.

57.Ibid.

58.Makiwame

59.S.Marks, and T. Stanley, *The Politics of Race, Class, and Nationalism in Twentieth-Century South Africa.*, New York, Longman, 1982.p.21.

60.Ibid. In 1922, *The Christian Express* was again changed to *The South African Outlook* which is still being published today, making it the oldest surviving publication in the country.

61.L.Switzer.op.cit.p.78.

62.J.L. McCracken, *New Light at the Cape of Good Hope: William Porter, the Father of Cape Liberalism*, Belfast, Ulster Historical Foundation, 1993.

63.Ibid.

64.Union of South Africa is known in Dutch as ' Unie Van Zuid Afrika'.Its Prime Minister was Louis Botha.See appendix I

65.D.Glaser, *Politics and Society in South Africa: A Critical Introduction*, London, SAGE Publications, 2001.p.90.

66.Ibid.

67.D. Innes, *Anglo-American and the Rise of Modern South Africa*, London, Heinemann Educational Books, 1948, p.21.

68.Ibid.p.21.

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69. A. Odendaal, *The Founders: and the Origins of the ANC and the Struggle for Democracy in South Africa*, Kentucky, and the University Press of Kentucky, 2013.p.34.
70. W. Beinart, *Twentieth-Century South Africa*, New York, Oxford University Press, p.57.
71. A. Rycroft and T. Cohen, *Trade Unions Law and the Law in South Africa* , Durban, LexisNexis, 2009.p.87.
72. A. Odendaal , op.cit.p.50.
73. Ibid. ‘Langalibalele’, his middle name, means ‘bright sun’. His grandmother, Dalitha became the first African convert of the Lindley Mission Station in Inanda, in the late 1840s.
74. https://fr.wikipedia.org/wiki/John_Dube
75. Ibid.
76. W. Beinart.op.cit.65.
77. <http://www.thepresidency.gov.za/national-orders/recipient/john-langalibalele-dube-1871-1946>
78. A. Odendaal , op.cit.p.54.
79. Ibid.
80. Ibid.p.95.
81. <https://fr.wikipedia.org/wiki/Plaatje>
82. Ibid.
83. A. Odendaal , op.cit.p.60.
84. Ibid.
85. W. Beinart.op.cit.p.34.
86. Ibid.
87. <https://www.sahistory.org.za/people/pixley-ka-isaka-seme>
88. Ibid.
89. A. Odendaal, op.cit.p.76.

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CHAPTER TWO

THE NATIONAL PARTY AND THE AFRICAN NATIONAL CONGRESS PEACEFUL PROTESTS DURING THE APARTHEID ERA

The official introduction of the Apartheid system by the newly elected National Party government in 1948 was a turning point in the history of the non-Whites population especially the Blacks. In this chapter, the following questions will be answered: why did the National Party introduce the apartheid doctrine? What about its consequences on the Blacks?

1 – The 1948 Elections and the Rise of the National Party:

In 1948, the country held parliamentary elections in which various parties took part including the United Party, the Afrikaner Party and the National Party (NP)¹. In order to get the highest number of Afrikaners' voices, the NP members began an advanced election campaign four years earlier. The nationalists -as the NP members came to be known- started to mobilize the support of Afrikaners by recalling the Afrikaner folk symbolism².

They began by organizing mass speeches in which they glorified the Afrikaner people through their resistance to the many obstacles and the sufferings they endured; they recalled the oppression and the maltreatment of the British, the clashes with the Africans, their forced trekking and finally the two Boer wars³. By advocating these unforgettable memories, the nationalists wanted to assure the re-

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birth of Afrikanerdom and the revival of their racial supremacy. The Party seized the opportunity of the yearly celebration of the Great Trek to spread its ideas and to shift the Afrikaners' voices for to its own benefit. The NP's next target was the Afrikaner working class's support, and it promised to give this category a particular attention; the Afrikaner traders were asserted that their business could challenge the British one and the workers would form their own trade unions separated from the British ones. (See map 7 on page 42)

Map 7: *The Great Trek of the Boers 1835*



Source: <https://erroluys.com/covenantresearch4.html>

The National Party's official program rigorous. First it proposed the establishment of a native policy which could definitively draw the Blacks rights. Second, it recommended the abolition of the white representation for the Blacks in Parliament in order to withdraw legally their rigid control political representation⁴.

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Apartheid is a literary translates from the Afrikaans language meaning 'apartness' or 'separateness'. It is a doctrine used by the White South African government from 1948-1990 that called for the total separate development of the different racial groups in South Africa. It is also as mentioned by Nelson Mandela in his autobiography *'Long Walk to Freedom'*: *The premise of apartheid was that the Whites were superior to Africans, Coloureds and Indians, and the function of it was to entrench white supremacy forever*.⁷

2-The National Party Segregative Laws and Their Impact on the Existing Races :

Once in office, the newly elected government started to enact other specific pieces of legislation which were used to determine the position of the whites and the non-whites⁸. The apartheid system was introduced as a means to preserve the white dominance and to subjugate the non-white population.

In 1948, the NP enacted the Prohibition of Mixed Marriages Act which made marriages between whites and non-whites illegal. Two years later, it established an official population classification according to racial belonging through the Population Registration Act. The South African people were then classified as Whites, Coloureds, Asians and finally the black Africans⁹. The latest category was put at the bottom of this classification in order to minimize its importance. The government intensified the pressure on the relation between the white and non-white racial groups through the introduction of the Immorality Amendment Act in 1950. This Act prohibited sexual intercourse between the white and non-white people¹⁰.

The NP government extended the principle of legal segregation through the enactment of the Bantu Authorities Act (1951) which appointed chiefs in the Bantustans and abolished the white representation of Africans in the white areas¹¹.

Later, and in order to intensify black urban dwellers, the Separate Amenities Act of 1953 was introduced to guarantee a total separation between the whites and

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the non-whites in all the Separate Amenities Act of 1953 was introduced to guarantee a total separation between the whites and the non-whites in all public amenities of the white areas such as transport, restaurants, schools, sport fields, recreational working areas and others¹².

These laws were introduced for a total social separation between the master race and the non-white ethnic groups in order to preserve the privileges of the Whites as the leading group of the country.

Not only was the apartheid system a large scale social reorganisation , but it was also a process which sought to deny political representation and participation of Black people at all levels of government and the country's sectors i.e the Black communities were citizens of the homelands and not South Africa. It was this atmosphere that mounted tension of a popular resistance to the apartheid state in the 1950s.

3- The ANC and the Organization of Peaceful Protests and Boycotts: case study the African workers

Throughout the years , the South African legislation intensified its pressure on the existing non-white population and its major target was the urban African workers .The white legal use of racial differentiation among the whole South African work force , which originated by the nineteenth century , had to be maintained.

3.1. The National Party and the Enactment of Segregative Labour Laws:

In this context and relying on the early non-whites' competition in the labour field, it reenacted the Natives Consolidation Act issued in 1945 - . The Act did not permit a Black to stay in the white areas for more than 72 hours unless he " worked there for one employer for not less than ten years or he was"granted special

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permission to be in the area" in order to work¹³. As an everyday, thousands of Africans were compelled to go to the white working areas and to come back the same day to the far homelands and townships. Then the NP enacted the Unemployment Insurance which excluded the workers whose earnings did not exceed £182 from the employment insurance¹⁴. The latter Act touched the majority of the black workers because most of them earned less than the required wage. In 1953, the government introduced the Natives' Act which provided for the forcible use of passes by all black men and women.

In the same context, the 1953 Criminal Law Amendment Act declared that anyone who protested against the apartheid legislation was liable to five years imprisonment. This Act directly affected the protesting workers who organized strikes to ask for the improvement of their working conditions.

Finally, the 1956 Industrial Conciliation Act guaranteed the right of the Whites to occupy the highly ranked posts (skilled and semi-skilled posts as supervisors); at the same time, it neglected the Africans to manual ones¹⁵. The latter Act also classified the African workers as contract workers who were not given the employees' status. They were inhabitants of the homelands, so the only acceptable justification for their presence in the white South African areas was to propose work. They were, therefore, recruited as part-time workers in the same areas: mines and factories. They were known as 'guest workers'. i.e. they were given the opportunity to enter these areas but for a limited period of time. They had to respect the contract time and once they finished their work, they had to go back to the homelands. In this respect, Thorjorn mentioned the following: "*Although he (the Bantu worker) is entitled to by virtue of his employment, he would be ill-advised to settle his family in the white areas. Instead he should return to his homelands when it comes to a permanent place of abode*"¹⁶. The main goal beyond the creation of the guest worker system was the extreme exploitation of the African labour force. Once the contract expired; the Africans were no longer welcomed. They had to go back to their areas and to ask for possible posts through the employment offices.

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The White government needed that huge number of workers, but at the same time it worked to interrupt the Blacks influx into the white working areas, especially the non-working Africans. As a consequence, the white government introduced the employment bureau system .Such a measure was applied all over the country including the black homelands to control the black labour at its very source .The number of the required labourers could be supplied and regulated from these offices . Indeed, the well-trained and qualified ones were accepted and the unqualified workers ' demands were rejected. In the same matter, the qualified Africans were compelled to accept any suggested post by one of these employment bureaux.

The application of the guest worker and the employment bureau systems secured the Whites' absolute control over the black labourers. The latter were truly humiliated and subjected to respect these unfair practices it was clear that the Whites wanted to minimize as long as they could the important role played by the Blacks. In addition, the black workers had also to carry reference books to justify their presence in the white working areas .The reference book or simply pass was a booklet form document. It included the taxes 'payment, the name of homeland, the previous contracts, the signature of the then employer and the expiration date of the contract¹⁷ .The reference book was issued either by labour bureau offices or the Urban Local Authorities ¹⁸.The book had the same use as the early pass; a control over the Blacks in the urban areas of the four South African provinces and was imposed on every African worker except landowners, chiefs, priests and teachers¹⁹. The rest had to obtain a pass permit from the local bureaux of the designated reserves and once present on the white working area, they had to re-register in the employment bureau of that area.

In addition, if the African worker failed to carry reference book, he was then jailed his bureau of that area , As a matter of fact , the highest registered offence causing the imprisonment of the greatest number of Africans was the pass book. In 1953, a thousand of Africans were arrested for not carrying a pass²⁰.The reference book became an effective instrument for the legal control of the Africans.

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Broadly speaking, the African worker was too tightened by discriminatory laws which ignored his status. The only reason justifying the enactment of these discriminatory laws was the preservation of the Whites' position. This, of course, led to a total inequality between the two groups in the working and living conditions.

3.2. The Working and Living Conditions of the African Workforce during the Apartheid Era:

Throughout the decades, the economic situation of South Africa became increasingly significant; yet the African work force was decreasing as a valuable labour because of the apartheid economic legislation. Although, the Africans were the major labour force of the country, they were yet working and living in incredible circumstances.

In addition to the above mentioned legal discriminating barriers, the African labourers worked in particular conditions. In this matter, the case of the African gold miners of the Witwatersrand would be taken as a reference because the area was one of the biggest recruiters of the African labour force.

Since the exploitation of the mineral resources working conditions were still not satisfactory. In fact, they were increasingly harsher. The Africans were compelled to perform the hardest manual. In the first instance, the recruited Africans were asked to perform the hardest manual tasks, beginning with the diggings till the last stage of the minerals' extraction. The African workmen had to perform both underground and surface tasks²¹. They were divided into two categories; the first was engaged to work in the mine, and the second one had to stay on the surface. The underground African workers were mainly employed as hand drilling, shovelling, filling and tramming workmen as well as tracklayers, timbermen and assisting drillmen. On the surface, they were sorting, stocking and landing, dumping, filling trucks, tramming, ore sorting, stocking and assisting enginemen²².

A survey covering the first decade after the election of the NP estimated that 1900 South African labourers died in the gold mines and the majority of them 93 per cent were Blacks²³. This high rate was due to the daily accidents. First, on any gold

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mine, there were common explosions of the ground and rocks which caused the fall of tramways, Moreover, for the trucks and other mining materials on the miners extraction of one gold carat, two hundred and fifty tons of ground had to be removed. The use of methane gas also caused the death of many miners. The newspaper, Star reported that on the President Styn mine a methane gas explosion killed some 20 men²⁴.

The danger of these conditions had bad consequences on miners 'health As a matter of fact , many miners suffered from heat especially for underground workmen who were blocked miles down the earth. Consequently , some men succumbed to the heat and this led to their death .There was an enormous death rate among these workers ; then the government used acclimatization means for refreshing the miners before going underground The Whites did not suffer from the heat-stroke because their tasks did not demand hard physical efforts . They were supervisors rather than manual workers. In case they felt a rise in their temperature, they were allowed to stop at any stage of work. Another health problem from which the Africans suffered was the high level of machines' noise. A European survey issued in 1968 pointed out that the pneumatic drill was one of the most dangerous materials because of its noise .The report also mentioned that "eighty per cent of people who worked in noise with a level of 116 decibels or more could be deaf²⁵. It was only at the end of the 1960's that ear plungs were introduced in a number of mines.

These harsh working conditions could not but demonstrate one thing that the white South African government worked to ignore the important played by the black workers. Not only did Blacks work in incredible conditions, but they were also compelled to accept miserable wages. The wage discrimination was another harsh obstacle for the non-whites especially the Blacks.

Since the early exploitation of the South African mineral resources, there was a great gap between the whites and Africans' pay the former received better wages than the latter mainly because they occupied top posts .There was clear evidence that racial division which existed in the South African labour field had a tremendous

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impact on the wage determination. The latter was not a recent established policy During the NP rule, the wage structure was determined by the Mining Industry Arbitration Board and then by the Wage Board ²⁶. The wages gap remained great in the mining sector. As a matter of fact, the monthly pay for a white employee was 3257 rands, meanwhile worker earned no more than 191 rands²⁷ (see tables 1 on page 50)

Table 1: *The Average wage within the mining sector*

Year	Average		Black-white Wage gap
	White wage	Black wage	
1915	2255	213	2042
1935	2331	233	2098
1950	2757	191	2566
1960	3272	191	3081
1970	4295	207	4088

Source: J.Natrrass, op.cit.p.52.

The working inequalities were also felt in the distribution of working hours between the Whites and the Blacks as shown in the 1950's data. As a matter of fact, the White miner spent 48 hours a week, and the Black one spent ten bourses a day – six days a week-²⁸. In addition, these long working hours did not help the black miner to keep his energy and this led to fatigue and frequent illnesses.

In addition to these incredible working conditions, the Blacks were given limited services. In the medical context, they were not excluded from the medical treatment, yet they had no medical allowance. They were given treatment at the level of the area of their work only. By contrast, it is important to mention that the Whites had an important medical regulation which included both the employees and their families. In case of work accidents, they had the right to be treated by a private doctor for serious illnesses, or they were admitted to their own hospital for treatment. The illness compensation reached 1230 rands for the Whites and was limited to 576 rands for their black compatriots²⁹.

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In addition, if the white worker was affected by tuberculosis, he was looked after for several months until his total cure. Once, the Black was known to be affected by the same disease he was stopped from work and sent back to his home. It is, however, fair to mention that a black worker who had an advanced case of the same illness was kept for four weeks and then sent to his home with the needed medicines³⁰

At the level of each mine there were shops which supplied food and the role of these shops was to provide payable eating to the black miners. Here emerged another problem. The Africans were obliged to spend more than half of their wages on their monthly food. As a matter of fact, the diamonds workers of the Kimberley mining their daily day area spent 13 cents a day on food and were able to save only 36 per cent of their wages³¹. It is worthnothing that the white miners did not face such an obstacle. Indeed, they were allowed to leave their posts and to go to their homes during the break time. This gave them the opportunity to save more money for other uses in their daily lives.

The recreational facilities were various and different, yet their importance depended on the racial category. The great mining magnates built cricket fields, golf courts, tennis courts, football fields, bowling greens and swimming baths for the Whites only. In a parallel direction and during the same period, the Blacks were limited to spend their free time on playing fields (soccer, cycling and athletics) .These fields were built from the sales of cigarettes and sweets in the bachelors ' barracks.³²

The disparate working conditions of the Blacks had inevitable pressing living conditions. Here a question comes to one's mind: How was the black family's income used? As a matter of fact, in 1967, an African family spent more than a half of its income on food and drinks then clothes, personal hygiene and health. They together accounted about fifteen per cent of the total budget. Furthermore, conveniences such as telephones, missing in the African were adequate furniture and useful equipments an important to stress the houses (see table 2 on page 52).

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Table 2: *The percentage of the net income spent by a white family and a black one*

Type of Expense	White family	African family
Food	18,2	46,3
Clothes	9,9	12,1
Tobacco	1,9	2,3
Personal hygiene and health	10,0	3,2
Holidays and amusements	4,6	1,4
Drinks	3,5	7,5
Transports	13,3	4,0

Source: C.Thorjorn and S.Fockstedt. op.cit.p.62

Again it was fact, that there evidently existed a great gap between the standards of the Whites and the Blacks Not only did the white families have the needed conveniences and equipments, but they also spent less money on every day expenses. This was mainly due to two major facts. First, the white worker had a better wage. Second, a white family did not exceed four persons generally whereas the black one could surpass 10 members in one family. These differences illustrate the fact that the African family spent a great part of its income on the surviving substances.³³

The type of houses provided for the Whites and the Blacks was also of a very great difference. In the first place, the Whites' houses were characterized by comfort and security. In fact, the mining magnates had built for the key white workers - who lived in the working areas separate and comfortable houses. The latter did not have less than three bedrooms, a bathroom, a separate toilet, a lounge, a dining recess and a kitchen. They were also supplied with an enclosed back-yard and a garage. The houses provided for the black workers in the townships were of a low quality. They were unsophisticated buildings in general not exceeding two bed-rooms and a lounge. It is important to mention that the townships were situated out of the white urban areas, in order to secure the non-arrival of the Africans into the

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white living zones .The well-known ones were Soweto, Sharpville and Sophiatown.

Sometimes, the members of the African worker's family exceeded the lodging capacity of the “barracks “of these townships. The houses were a succession of lodges separated by small back streets used as dumps and no public places. The African workers were also liable to live under unsanitary conditions. In fact; a great number of water standpipes were inadequate to consumption and favoured the growth of diseases including tuberculosis and typhoid fever. The area after the expiration of their work contracts or were parents of the employed ones. This unemployed category created problems and strained tension between them and the tenants.

As already mentioned the townships’ architecture denied the creation of a comfortable place for living as if they were considered as uncivilized and did not need sophisticated houses to live in. As a logical process, the African worker was either forced to cope with the daily segregation or to ask for the betterment of his living and working conditions through an organized and peaceful struggle.

3.3. The 1952 Defiance Campaign and the beginning of the ANC’s militancy actions:

Racial discrimination and the exploitation of the African worker resulted in the growth of the latter’s awareness. In this section, the emergence of the black trade union movement will be examined The obstacles the workers faced and the achievements they gained during the 1970's will be highlighted thanks to their involvement in the Defiance Campaign.

On 6 April of each year, white South Africans celebrated Jan van Riebeeck's arrival at the Cape; a symbol of the early Whites coming to South Africa. However, the year, 1952 of the same day was a turning point in the history of the

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country. A coalition was created between the ANC and the SAIC and asked all the black South Africans to turn the celebration into a day into "A National Day of Pledge and Prayer". The appeal was a success for the majority boycotted the festivities. Instead, political rallies occurred in Cape Town, Johannesburg Durban, Pretoria and Port Elizabeth. In the latter, the main speaker was Z.K Matthews. He summed up the goal of the day by saying: "*only the African people themselves will ever rid themselves of political subjugation, economic exploitation and social degradation*".³⁴

On 26 June 1952, a group of political volunteers, known as the National Volunteer Corps launched the Defiance campaign including Nelson Mandela, J.B. Marks, Yusuf Dadoo, David Bopape, Moses Kotane, and Walter Sisulu and others. At that level, it is noteworthy to mention that that glorious day was preceded by the "*Day of the Volunteers*". It occurred on Sunday 22 June and preceding the opening of the campaign. The above mentioned volunteers and many others had to sign the following commitment:

*I, the undersigned, Volunteer of the National Volunteer Corps, do hereby solemnly pledge and bind myself to serve my country and my people in accordance with the directives of the National Volunteer Corps and to participate fully and without reservations to the best of my ability in the Campaign for the Defiance of Unjust Laws. I shall obey the orders of my leader under whom I shall be placed and strictly abide by the rules and regulations of the National Volunteer Corps framed from time to time. It shall be my duty to keep myself physically, mentally and morally fit.*³⁵

With the approval of the majority, a national action committee was founded as key members: Sisulu and Ismail Cachalia, and Nelson Mandela as the volunteer-in-chief. Their main task was to conduct the Campaign.

Fifty two Africans and Indians including Ismail Cachalia, Walter Sisulu and Nelson Mandela marched near Johannesburg without permits. They were accompanied by cries of "Afrika!" and "Mayibuye! And the thumbs-up, the ANC sign of unity, "³⁶. The police immediately reacted and all were arrested. Mandela and Cachalia were, however, arrested by the evening. Thirty protesters of Port Elizabeth entered a railway station through the "*Europeans Only*" gate. Others were arrested

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for entering the European reserved areas of the post offices, sitting on Whites' only benches. They were also arrested.

These arrests did not stop the defiers to move on, indeed the campaign spread to Eastern Cape Province, Durban, Johannesburg, Bloemfontein, Witwatersrand and Cape Town. During the period from June to September, 5523 protesters were arrested. However, by December, their total number became 8 057 arrested Africans³⁷

The sanctions were often no more than conditional imprisonment with an extra of ten pounds fines. They were, yet ill-treated and assaulted once in prison.

The White government carried on the arrest of the National Volunteer Corps leaders of Johannesburg and the Cape. They were incriminated of promoting communism under the Suppression of Communism Act, but were later freed. However, in October, twenty defiers among them Moroka, Sisulu, Marks, Mandela and Dadoo were found guilty and were sentenced to nine month's imprisonment with hard labour. The judgement was then suspended for the lack of evidence.

Although the government faced the campaign with arrests, ill treatment and torture which saw a decline in the number of the defiers, it was seen a great achievement for many reasons. First, during the Defiance campaign the campaign more than eight thousand volunteers were went to jail rebelling against the existing discriminatory laws, yet the ANC's members rose to tens of thousands. Second, the campaign gained the attention of the United Nations .The latter classified the apartheid policy as an international issue and a UN Commission was formed to investigate the case .Finally, the Defiance Campaign was a direct cause of the move of the ANC leaders from passive actions to militancy ones mainly the Black students , politicians and trade unions.

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3.4. The impact of the Defiance Campaign on the Struggle of the Black Trade Unions:

In any country of the world and especially the working-class formation had always been tied with its representation by spokesmen for the discussion of its grievances in front of the employers .This category of representatives was gathered in a labour organisation called a trade union .In this context , if a brief definition is to be given , one would say that a trade union organisation is a body of workers whose major aim is to ask for the improvement of the working conditions of any working-class .

A trade union can be official or unofficial i.e. a registered or non-registered association. The former is recognized by the government of its country; however the latter is not acknowledged depending on the laws of each country-.One of its major vehicles is its labour force .It plays an important role in the organisation of a trade union. Indeed, its members from the chairman, officials to the ordinary adherents are workers. They contribute a great deal to the emergence or the decline of the trade union because they form a unified body sharing the same an independent body. principles A trade union is generally One of its major vehicles is the labour force .It plays important role in the organisation of a trade union Indeed, its members from the chairman, officials to the ordinary adherents an are workers. They contribute a great deal to the emergence or the decline of the trade union because they form a unified body sharing the same principles. A trade union is generally an independent body.

Briefly speaking, the early spread of the European trade unions motivated the South African labour force to use the labour organisation to defend their grievances, mainly wages ' increase³⁸. In fact, when the protest movement of European workers began to spread, a similar action was led by white South African workers³⁹.The South African trade unionism was a settler one, excluding the participation of the natives; however, the beginning of the twentieth century also witnessed the formation of the first African trade unions. As a matter of fact, the first was the formation of the Industrial and Commercial Workers' Union

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(ICWU). However, it declined rapidly because its members lacked experience and because of the government's opposition⁴⁰.

The Second World War had a somehow positive impact on the African workers. In fact, the latter's position had slightly improved mainly because of the Whites' participation in the war. They left their posts and became war volunteers; consequently, their posts became empty and in this manner, the Blacks were able to occupy them. As a matter of fact, the number of the industrial workers was more than 60, 4 per cent of the whole industrial workforce⁴¹. Their situation was, however, still unsuits factory. They occupied better ranked posts -mainly semi-skilled-, but received very low wages and were still working in incredible circumstances, but their awareness was eventually growing, and they responded by the organization of several strikes. Indeed, a considerable increase in the black trade unions' membership was recorded and the number of strikes became important.

Between 1942 and 1944, the Blacks organized sixty illegal strikes all over the provinces .Their demands were for the improvement of the working conditions, especially on the mines. The South African government responded by introducing the War Measure Act 145 in 1942⁴². This Act forbade African strikes and reserved harsh punishment for the strikers such as arrestations and banishment. The same year, the members representing the Blacks ' interests in Parliament warned Smuts' government of a general unrest on the mines because of the decreasing Blacks' wages and the absence of the cost of living allowance. Consequently, in 1943 thirty five black strikes were launched. During six months, the workers came out on strike because their demands for wages 'increase were ignored⁴³. These strikes involved different categories of workers at the level of the East Rand Propriety mines, the Messina copper mine, the Dunlop rubber factory (Durban), the Roshville power station and many others⁴⁴. These strikes became a national problem because of the involvement of the different sectors meant a threat to the South African industry. Therefore, discussions on wages took place and involved the Chamber of Mine, the Department of Labour, the Native Affairs Department and employers in order to avoid more stoppages ensuing riots⁴⁵.

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Not only did the discussions take a long time, but it also forbade trade unionists' representation emphasizing on the fact that the workers' real spokesmen were the Chiefs, known as Indunas. On the one hand, the matter was complex, and there was no wage increase on the horizon. On the other hand, the Department of Labour declared that if the workers insisted to break off their work contracts, the police would arrest agitators and drive them back to their homelands. As a consequence, they were compelled to join their working post.

During, these agitated years, a workers' organization called the African Mine Workers' Union (AMWU), initiated by the ANC branch of the Natal, was effectively organized by J.B.Marks in 1941⁴⁶. Marks was a member of the Communist Party who showed interest in trade unionism. With the help of the ANC, he held several meetings to discuss the concrete demands of the miners. These meetings were attended by the police. In 1942, the AMWU asked for an overtime leave allowance. The government refused its claim and agreed on a slight wage increase⁴⁷. The union continued to defend the workers' rights through the organization of a conference in which thousands, of African miners took part and asked for a work stoppage. As a result, Marks and other organizers were arrested. They ignored these obstacles and organized meetings in the townships at night discussing the growing cost of living, drought in the reserves and the average earning of the African mineworkers which did not exceed £ 3 per month⁴⁸. Marks attempted to negotiate these matters with the Secretary of Native Affairs and with representatives of the Chamber of Mines. The result was yet negative.

At this point, the AMWU promptly launched general strike on the Transvaal mines. In 1946, seven thousand African miners were out and their slogan was «no pay, no work»⁴⁹. The union's major demands included the following: houses for the workers' families, the payment of the holiday's time and finally a one hundred pounds bonus for services surpassing fifteen years⁵⁰. Marks was quickly arrested and the police began forcing the workers out of the compounds. Yet, their growing awareness was greater. The most striking of the importance of a unified organization. The most striking example occurred on the City mine when a group of workers

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forced to go held a work stoppage a mile down the earth⁵¹. The underground sympathizing support from the other groups was an important moral action which intensified the struggle of the African workers. As a matter of fact, the White and Coloured volunteers prepared leaflets and organized peaceful manifestations.

When a group of workers forced to go underground held a work stoppage a mile down the earth⁵². The sympathizing support from the other groups was an important moral action which intensified the struggle of the African workers. As a matter of fact, the White and Coloured volunteers prepared leaflets and organized peaceful manifestations. They were, of course, stopped by the police and even beaten. The AMWU protest was also supported by a number of trade unions; one of these was the Transvaal Council of Non-European Trade Unions⁵³. The consequences of their work stoppage were harsh. Some workers were driven back to the reserves and their contracts cancelled. Moreover, the strikers were fired, beaten and thrown out of the mines by the police forces. The strike which lasted six days also resulted in the death of thirteen miners and a great number of wounded⁵⁴.

At the very time, the AMWU asked for its legal recognition, the Chamber of Mines declared that the formation of any African trade union was irresponsible action and stated a determined opposition through the columns of *the Johannesburg Sunday* newspaper, in which it stated that "a trade union organization would not only be useless, be detrimental to the ordinary mine native in the present stage of development⁵⁵. Meanwhile the Natives' Representatives Council discussed the matter of the African trade union with Smut's government. This meeting was, however, to a no effect. The government did not change its legalized practice of discrimination and ignored any proposal on the African trade union's official registration.

Despite the fact that the 1946 strike showed a disastrous end, it demonstrated the Africans' ability for a better organized opposition to the racial segregative system.

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Through the apartheid legislation, the nationalist government reinforced the pressure on the African work force and its trade unionists activities. In fact, the status of legal and national trade unions was restricted to the Whites, Coloureds and Asians, whereas the Blacks were denied such a privilege. The justification of the government held that the Africans were citizens of the homelands and part-time residents of the compounds and townships. They were not denied the right to form trade unions but they were excluded from negotiation meetings. These regulations were also stated in the Industrial Conciliation Act of 1956⁵⁶. The regulations labour regulation system clearly set up a segregative barrier between the white trade unionists and their compatriots: the Blacks. The former were granted the right to strike, to participate and to discuss in the collective working bargaining. They were also allowed to affiliate to their own trade unions and to use the latter as legal weapons in their working conflicts.

During the successive NP government, three major trade union federations were founded in South Africa including the Trade Union Congress of South Africa (TUCSA), the South African Confederation of Labour (SACL) and the South African Congress of Trade Unions (SACTU)⁵⁷.

TUCSA was founded in 1954, it was a "white" federation whose adherents were Whites and others were Coloureds and Asians. The majority of its members worked in the manufacturing sector and their slogan equal pay for equal work⁵⁸. In other words, the workers had to be was given equal wages when performing the same jobs regardless of their skin colour. However, the federation practices had another aspect. First, the black workers were not welcomed as members. Second, TUCSA did little to support the Blacks' unions.

The foundation of SACL dates from 1957⁵⁹. Once more, the union's membership was reserved to the whites. The federation supported both the government's separateness policy and the job reservation system. SACL's activity favoured the white workers and trade unions and acted against the presence of the black trade unions and their activities. Meanwhile a black' organization was founded in 1955 the South

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African Congress of Trade Unions. By 1961, its members reached 53.323 workers gathered in forty six trade unions with a black majority: 38.791 were Africans, 498 were Whites and the remaining members were Asians. The struggle for the achievement of the African workers' aspiration was its major aim.

In 1962, SACTU organized a protest campaign. Its major grievance was a minimum wage of 2.25 rands per day and the union was able to gain a slight increase⁶⁰. As the majority of the black unions, the congress activities were interrupted by frequent police intervention SACTU was forbidden as an organization and the authority rendered the members' activity impossible. Its officials and adherents were arrested, banned and frequently jailed. They were, consequently, unable to carry on their activities the determination of the South African government to destroy SACTU was due to the fact, that under the activity of its prominent official Leon Levy, SACTU participated political meetings. The most important one occurred on June 25, 1955 when three thousand delegates of different organizations met in Kliptown village near Johannesburg. This gathering included the African National Congress, the South African Indian Congress (SAIC), the South African Coloured Peoples'Organisation (SACPO), the Congress of Democrats (COD) and SACTU The most amazing action of that journey was the declaration of a Freedom Charter which stated that South Africa belonged to both whites and non-whites and the will of the people was an important factor when decisive decisions were to be taken. In this Charter, they declared that:

*We, the people of South Africa 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 the peopleall the people shall share in the country's wealth; the land shall be shared among those who work it; all shall be equal before.*⁶¹

In the same Charter, there was a clause asking for equal rights for the whole South African work force when it demanded that '*miners domestic workers, farm workers and civil servants, shall have the same rights as all others to work*'⁶². The Freedom Charter was an important document and was welcomed by the Africans

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who saw a reviving hope in their struggle and for a better South Africa where there would be fair working conditions for the whole labour regardless the racial differentiation. (See full text in appendix II)

The state had another interpretation of the Freedom Charter. According to the NP government, it was a pretext for the propagation of communist principles, and its participants were considered as agitators. A charter aiming at an equal life on the South Africa soil became a communist based document .The government's response was, as usual tough .The demonstrators were arrested and jailed. They were accused of treason and having borrowed communist ideas collective which insisted on the collective share of the production between the poor and the rich equally for a better living co-existence. These ideas could but intensify the anger of better living the South African government which organized a great trial against 156. In this context, the NP acted according to leaders for communist activity⁶³.

In the same context, the NP acted according the Suppression of the Communism Act which defined communism as a means for agitation and its practice led to a ten years imprisonment.

Once again, the ANC and SACTU seized the opportunity of the bus tickets rise in the township of Alexandria and asked the Blacks to protest against the political system. This manifestation demonstrated the co-struggle of the workers and their political leaders as declared by a SACTU leader that " *the organizing of the mass of workers for higher wages, better conditions of life and labour is extricably bound up with a determined struggle for political rights and liberation from all oppressive laws and practices* " ⁶⁴

The white government pressure weakened the unions' activities and minimized their importance. However, , the deshumanization brought about by the South Africa legislation could but intensify the black trade unionists displeasure and anger against the existing workers ' conditions were inevitably becoming system The unskilled worse, yet their determined efforts to further their struggle was stronger As a result, the 1970's witnessed a remarkable wave of work stoppages .

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3.5. The 1970's Work Stoppages and their Impact on the National Political Scene:

At the beginning of the 1970's, African workers' living conditions were frustrating. In fact, they lived under the poverty line. Their wages were static compared to the increasing rate of life including food, housing, medical expenses, taxation and transport. This consequently led to a miserable life: ill - equipped houses and an ill- managed life. In 1972, thousands of black workers took part in work stoppages. The scanty wages created angry workers three hundred bus drivers from Johannesburg and three hundred and fifty in Pretoria were followed by four thousand dockers in Durban and Cape Town respectively⁶⁵.

These strikes paralyzed the transport of citizens and merchandise and had three major consequences. First, the reaction of the government was expeditive. Three hundred strikers were jailed and fifteen licensed in Durban. Others were jailed for fifty days for illegal work stoppage. Second, the bus drivers got a thirty three per cent increase in their wages. Finally, these workers founded a trade union. It was called the Transport and Allied Workers' Union (TAWU) ⁶⁶.

The 1972 strikes were not of a minor importance even if they did not gather a great number of African workers .The strikers resisted to the government's pressure and asked for trade union representation. It was a positive beginning in a longer struggle especially through the 1973 strikes movement which witnessed the mobilization of a great number of African workers. (See table 3 on page 64)

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Table 3: Work stoppages of the black workers (1965-1974)

Year	Number of general stoppages	Number of black strikers
1965	84	3,54
1966	98	3253
1967	76	2874
1968	56	1705
1969	78	4232
1970	76	3203
1971	69	4196
1972	71	8814
1973-74	246	75,843

Source: C.Thorjorn and S.Fockstedt. op.cit.p.21.

On 9 January 1973, two thousand workers struck in the Coronation Brick and Tile Company of Durban⁶⁷. The manager intervened and asked the workers to return their posts. These workers resisted to the manager's attempts to interrupt the strike and to ignore their demands. The workers' pressure was greater. They were able to get a 2.77 rands increase. The same month, one hundred and fifty workers of the T.W Beckett firm went on a one week strike and got an increase of two to three rands- per week-⁶⁸.

On 25 January, the Frametex workers struck, followed the next day by a general strike in the great industrial companies of Durban city. The different firms which were affected included: Setlex, Finetex the Smith and Neplan Fabric and finally the Natal Knitting Mills Consolidated Woodwashing and Processing Mills⁶⁹. On 5 February, three thousand municipal workers asked for an increase of ten rands per month their work stoppage went beyond the city followed by the Portshepstone and Pietermaritzburg workers .The employers asked the striking workers to appoint a delegation to negotiate their claims. Black trade unionists, among them SACTU leaders, seized the opportunity and helped the workers to take the right decisions. Even if the police intervention was strong, the African workers relied on the trade unionists' help. After many negotiations, the African municipality workers got a satisfactory wage increase .The black trade union which was organized

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at the level of the Smith and Neplan Fabric obtained an increase of eighteen rands for the African workers the textile workers⁷⁰.

The 1973 strikes movement gave a great impetus to the African workers to express once again their dissatisfaction with the whole economic system. They became politically aware of the government's oppression. Therefore; they found that their unified protest action was their real weapon. The 1973 strikes gathered sixty five thousand workers (miners and industrial workers) from approximately one hundred large factories⁷¹. As a result, the majority of the workers attained significant wage rises thanks to the concrete involvement of the black South African trade unionists.

The impressive result of the 1973 strikes movement was that the government and the Department of Labour had to revise the economic laws because they were no longer useful to face the reviving awareness of the black work force. In fact, the NP government established a system for representing the African workers and for negotiating their demands. The latter were given the right to organize work committees within their companies. The committee members were elected by the black workers and their main goals were to allow the Blacks to be involved in work discussions.

In this respect, Thorjom reported that the work committees were introduced in order "... to communicate the wishes, aspirations and requirements of the employees to their employer and to respect the said employees in any negotiations with their employer concerning their conditions of employment or any other matter affecting their interests"⁷². Of course, the black trade unionists took part in these committees' representation. This was the first legal step towards a concrete practice of their activities. NP also enacted the Bantu Labour Regulation Amendment Act of 1973⁷³. This Act abolished the prohibition of African strikes. The strikers had, according to this new legislation, the right to take strike action. Yet, this Act included only the industrial workers. This was probably due to the fear of a decrease in productivity⁷⁴. Nevertheless this Act meant that the Africans' struggle had a

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somehow positive result. This struggle forced the government to reconsider the Africans' demands.

On a parallel scale, the black trade unions launched training projects. Their major goal was to assist the new black trade unions in order to better defend their employees' demands. For this matter, the Urban Training Project was established in Johannesburg. Another body the Institute of Industrial Education, carrying the same goal was established in Natal. The institute published periodicals and pamphlets for development. Later, the Western Province Workers' Advisory bureau was set up in 1973⁷⁵. It operated in Cape Town and formed workers at the level of the companies. The common feature of the three institutions was that they were created by the Africans and for the Africans. They were also found in the three major provinces of the country: Cape Town, Natal and the Orange Free State. Their bureaux gave the opportunity to the different categories of African workers to share the same view on the importance of trade unionism activities among the black labour.

In 1975, the Africans formed twenty new trade unions of their own including fifty five thousand workers⁷⁶. It is, yet, worth noting that these unions and the previous ones had particular features. First, they unions had a limited financial budget because the fees could not be collected easily. Second, these unions' activities clashed with the Indunas 'interests'. The Indunas favoured their co-operation with the white employers because they wanted to secure their privileged position as African chiefs among the Black workers.

Four years later, the white government recommended other changes through the re-enactment of the Conciliation Amendment Act (1979)⁷⁷. The latter Act urged the application of two major clauses. The first, the term 'employee' to include all South African workers regardless their racial belongings. The second provided for the official registration of the black trade unions. The revision of the Conciliation Amendment Act was a very positive achievement for both the African work force and trade unionism because their co-struggle has undertaken a long path, but a fruitful one.

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Nevertheless, the main issue of segregation and the recognition of the all the non-Whites as belonging to South Africa was not yet solved .At this stage the discriminated people were determined to fight for a total recognition of all racial groups. Here, another military struggle was to take place soon.

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Notes:

1-B.lapping, *Apartheid a history*, London, Grafton books, 1986.p.140.

2-*Volk* as an Afrikaans word which means people, and at the same time it refers to the superiority of the white race. Nelson, op.cit, p. 15.

3- The Dutch resented the imposition of the British colonial administration through the official use of the English language. Furthermore, slavery which was legally abolished throughout the British Empire in 1833 led to consequent measures applied in the Cape Colony. One of these measures was the use of the Blacks as a labour instead of slaves. Hence, the Boers could not cope with the new policy because they rested on the fact that a White superior race never equaled a Black one. As a broad result, the Boers opposed the British and many Dutch families left the Colon and this removal was known as the *die Groot Trek*.. The Afrikanerdom symbolism was also reinforced through the Boers' resistance during the two Anglo –Boer wars, the Boers witnessed the worst period of their existence. They were captured by the British and driven to concentration camps, especially the Afrikaner women and children, causing the death of thousands of them. K.Shillington., *History of Africa*, London The Macmillan Press ltd , 1989., p.12.

4- B.Lapping, op. cit., p.146.

5- Nelson, op.cit., p.40.

6- According to the National Party, the amalgamation of the white and non-white races in white urban areas was the result of the non-effective application of racial segregation by the United Party. Lapping, op.cit. p.150

7- Quoted from: Nelson Mandela: *Long Walk to Freedom: the Autobiography of Nelson Mandela*, New York, and Back Bay Books.p.111.

8- Ibid.

9- The South African population was classified as Whites-Afrikaners and the English –speaking Whites -; Coloureds were the mixture of the early Whites and Blacks;

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Asians came from India and Indonesia and finally, the Blacks who were gathered in ten ethnic groups. S. ., op.cit., p.30.

10-Nelson, op.cit. p.30

11-A, Mazarui and M. Tidy ., *Nationalism and New States in Africa : from about 1945 to the Present* , London, Heinemann Educational Books Ltd, 1984, p.163.

12- Ibid.

13-C. tThorjorn and S. Fockstedt, *South Africa: black labour-swedish capital* , Sweden, 1975, p.65.

14-Mazrui and Tidy , op.cit. p.163 .

15-Thorjorn and Fockstedt ., op., cit, p.39

16-Ibid., p.42. Thornjorn was the chairman of the TCO delegation to South Africa.

17-S. Thion., *Le Pouvoir Pale: essai sur le système sud africain*, Paris, Editions Le Seuil , 1969. op.cit., p.30.

18-In 1871, the Cape Masters and Servants Act obliged the African labourer to carry a pass in which the period of his contract was mentioned. In the 1880's the colonial government enacted other different laws about the pass one was about the creation of the district pass. The latter obliged the African to respect some regulations. For instance , if he wanted to seek work in a mining area , he had to carry a three days pass or a longer period in return of a fee. Once , he finds a job , he is delivered a new pass. However, if he fails to carry it , he would be jailed. B. Lahouel., *Nationalism in Algeria, the Gold Coast and South Africa: With Special Reference to the Period 1919-1937*, Aberdeen , Ph.D. Thesis, 1984, p.347.

19-Thion, op.cit., p.3

20-Ibid, p.30.

21-The exploitation of gold and diamonds mines attracted many foreign companies which had the necessary capital to become the owners of the profitable mines. Yet, they faced many difficulties. The pits were deep, the extraction of the mineral resources was difficult and the

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diggings on the mines needed an important number of Africans . As a result , the Whites decided to use different ways to attract the natives to work in the mines.The early African labourers, who worked in the mines, were brought by the white farmers, but later the Africans' recruitment became the task of labour agents . The latter were employed by individual entrepreneurs who were in need of mineworkers .These labour agents explained to the Africans the opportunities that could be given to them once recruited: satisfactory wages was harsh,In fact, their and suitable conditions of work. Their recruitment was the beginning of an everlasting suffering. D. Innes, op cit,p 45. 22-Ibid.

23- 9.Wilson, Labour in the South African gold mines (1911-1969) Cambridge, Cambridge University Press, 1972, p.78.

24-Ibid

25-Thorjorn and Fockstedt, opcit p.63.

26-In the nineteenth century the government's efforts to weaken the African workers' position compelled it to strenghten the laws in order to protect the Whites minority Therefore a set of laws was introduced. In1911, the Manes and Work Act was enacted. The latter debarred the non-whites from skilled posts It was followed by the Apprenticeship Act of 1922 This law deprived them of the apprenticeship training .The government also reinforced ts policy of racial discrimination through the Colour Bar Act of 1926 This law prevented the black workers from the The Africans were occupation of skilled jobs because of their black skin still considered as servants and did not have the right to be on an equal scale with the White masters B Lahouel , op.cit, pp.466, 481 and 482.

27-Thorjorn and Fockstedt, op cit, p.63.

28-Ibid

29-Wilson,op.cit.,p.75.

30-Ibid., p.86.

31-Ibid

32-In 1887, the De Beers Company introduced the bachelors barracks im the mining area of Kimberley They consisted of rooms for housing the African labourers who were working on the diamond field for the period of

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their work contracts .This system prevented desertions of the miners and the thefts of the precious minerals They also enabled the isolation of the African miners from the outside world in order to keep them in the mines. The bachelors' barracks were dirty, small and overcrowded 1892 about nine thousand black workers were living in unhealthy circumstances Such a situation led to the rapid spread of illness and death D.Innes, op.,cit., p.26.

33- Onana, op., cit., p .60.

34 -Quoted from Odendaal.op.cit.p.67. Ibid., p.71

35-Ibid., p.54.

36- 'Mayibuye' is from the Nguni Language and means 'comeback'.

37- S. R. Davis, Stephen R. Davis, *the ANC War against Apartheid*, Indiana University Press, 2018.p 78.

38-At the beginning of the nineteenth century, the world especially the European and Asian countries witnessed a vague introduction of labour organizations.Among the earliest European labour regroupings were the British Union Congress in 1874, La Fédération Générale du Travail (France -1895) and in 1892 was formed Die Allgemeiner Deutscher Gwerksdrachtsbund in Germany .B ,Gary. , *The Political Role of International Trade Unions*, London, The Macmillan Press Ltd, 1983, p .71.

39- All the above mentioned trade unions motivated the South African labour force to use these unions to defend their working conditions The South African trade unionism had a European origin. The first white South African labour organisation was created in 1881 by a group of British workers. It was called the Amalgamated Society of Woodworkers. About twenty years later, two official trade unions were created: The British Union Congress formed in 1890 followed by the Witwatersrand Mine Employees and Mechanics Union which was founded in 1892 by workers from Lancashire and Cornwall.B. Lahouel. ; op.cit., p.510.

40-The first industrial action recorded in Africa took place in Freetown (Sierra Leone) against the Sierra Leone Company for better wages. It was followed by the Portuguese Commercial Employer Union (1898-Mozambique), the Cigarettes Workers'

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Union (1899- Egypt) and the Tram workers' Union.Meynaud and B Salah Le Syndicalisme Africain, Paris settler unions. J, edition Payot, 1963 p.102

41-The Industrial and Commercial Workers'Union was founded by Clements Kadalie in 1919. Throughout the years, the union was able to achieve some success including an increase for the Cape railway workers in 1926.Not only did it defend the industrial workers, but it also acted for the rural labourers ' working improvement Worden., op.cit., p 45

42-Nelson ,op.,cit.,p .58

43-Innes,op,cit.,p.143.

44-1bid

45-Nelson ,op.cit., p.60.

46-M.Benson The African Patriots ,London Encyclopedia Britannica Press, 1963,p.125.

47- The founder of the ANC was a young black South African attorney called Pixley Ka. The Congress first president was the Reverend John L Dube and the founder of modern ANC was Dr. A.B.Xuma The ANC's aims were to face the white's government segregative legislation through passive struggles and resistance One of its prominent leaders was the former president of the republic of South Africa: Nelson Mandela M. Benson,op cit.,p. 17.

48-The Chamber of Mines was founded in 1889 . By 1892, there were 95 members representing 59 companies on the Witwatersrand and four companies in the districts of the Transvaal.D.Innes ,op.cit .,p.71

49-1bid., p.161.

50-1bid., p. 143.

51-Benson., op .cit., p.85.

52-Innes, op., cit., p.70.

53-Benson, op.cit., p.91.

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54-Innes, op.cit., p.75.

55-Ibid.

56-R.Cormeivin, Histoire de L'Afrique , Paris , Payot, 1975, p.84.

57-Benson, op.cit., p.114.

58-Thorjorn and Fockstedt ., op.cit., p .84.

59-Ibid., p.92.

60-Ibid ., p .94

61-Ibid., p.95.

62-Ibid

63-Ibid., p.93.

64-Ibid.

65-Benson, op.cit.,p.114.

66-Ibid., p. 125

67-Ibid.

68 –Ibid.p.140

69-Mazrui and Tidy., op.cit., p. 163.

70-Thorjom and Fockstedt ., op.cit., p.96.

71-Lachartre, op.cit., p.58.

72-Ibid.

73-Thorjorn and Fockstedt., op.cit., p.82.

74- Ibid., p.84.

75-Ibid., p.96.

76-Ibid.p., 104.

77-R.Cohen,"Hidden Forms of Consciousness, The Review of African Political Economy, n° 19,1980, p.62.

CHAPTER THREE

THE ANC AND THE CHOICE OF THE ARMED STRUGGLE

The formation of the armed wing of the African National Congress Umkhonto we Sizwe, the Spear of the nation, was a peak of the oppression of the White government and its apartheid system against the non-White population. Indeed, this cruelty was manifested in the 1960 Sharpeville massacre, the banning of the ANC and the closing down of all means of peaceful resistance and protests. All these facts have clearly shown that change was seen as impossible unless revolutionary force was operated¹.

The aim of this chapter is to draw attention on the broad factors that led the ANC in partnership with the South African Communist Party (SACP) to restore to revolutionary armed struggle in 1961. However, in order to understand this radical change in the Black political thinking; the causes that led to the formation of the armed wing of the ANC, Umkhonto We Sizwe, and the continuity of militancy from Robben Island prison are discussed here².

During the period 1950 -1952, the African National Congress formally gave up its traditional dependency on petitions and deputations' discussions According to Mandela:

Up to the time that the Youth League was formed and until 1949 the only methods of political action which were adopted by the ANC were purely constitutional; deputations to see the authorities, memoranda, and the mere passing of resolutions...We felt that the time had arrived for the Congress to consider the adoption of more militant forms of political action: stay-at-homes, civil disobedience, protests, demonstrations-also including the methods which had previously been employed by the ANC³.

1-The Main factors for the formation of the armed wing of the ANC:

1.1. The Zeerust Uprising:

One of the earliest areas where uprising broke out in 1957 was in the Bafurutse reserve in the Zeerust district of the Western Transvaal ⁴. The situation was brought about by the government's determined will to extend the pass or reference book system for Africans to women in the Bafurutse reserve and the bordering areas. The justification of the Department of Native Affairs was that this reserve was rather close to the prosperous labour markets of the Pretoria-Witwatersrand area⁵.

The announcement of the new measure became the debated issue with the refusal from all its inhabitants including the support of the leader of the reserve, Chief Abraham Moilola. Consequently, most women in the reserve stayed away from the pass units that were newly established. Meanwhile, the Chief Native Affairs Commissioner held a public meeting on April to clarify the misunderstanding about the use of passes⁶.

Not only did the meeting disappoint the locals, but also led to the expulsion of Moilola from the reserve. Indeed, in front of an audience of about 1,000 women, the Native Commissioner asked Moilola "to use his power to influence the people", yet the Chief simply told them in a provocative manner that the inhabitants had heard what the Native Commissioner had to say⁷. Three days later, Moilola was expelled from the reserve for his refusal of cooperation about women's pass issue.

The Native Commissioner in Zeerust recommended Moiloa's dismissal on grounds of 'neglect or perhaps wilful refusal to carry out his administrative duties', but no action was taken in the end⁸. A major issue of disagreement between Moiloa and the native commissioner was around the establishment of a new school in Dinokana⁹. Reverend Jensen, who already controlled the existing school in Dinokana, and wanted for the new school to be a tribal school under his authority. The kgosi objected to the school falling under the control of the Lutheran missionary in the area.¹⁰

The news of the Chief's removal from office quickly spread to the nearby labour areas where many of the reserve's men were employed as migrant workers. The situation was aggravated when more than a hundred and fifty of them had arrived back in the reserve to demonstrate their opposition to the pass issue. Later, the situation degenerated to strong protests in the form of boycotts, pass-burnings then buildings and institutions associated with the system such as schools, churches and Bantu Affairs offices there were attacked¹¹. The disorder continued over the next four months with protesters relentlessly arriving in the reserve from the neighboring areas to attend meetings.

In an attempt to restore order and to prevent any further damage from taking place, the police were instructed to seek out the agitators who were causing the unrest and arrest them. Unluckily, the way in which this was done only aggravated the situation. The police's intervention into the unrest was done in such an aggressive that led to the escalation of the resistance¹².

1.2. The Sharpeville massacre:

The 1950's brought the Blacks and anti-apartheid Whites together on a much greater level in the struggle for equality. An ANC minority, known as Africanists, objected to this increasing coalition and in 1959 broke from the ANC to form the Pan Africanist Congress (PAC). Therefore, PAC initiated its own non-violent mass protests against the pass laws. In March of 1960, 20,000 PAC-mobilized protesters left their homes without their passes and gathered in Sharpeville, a township in the Transvaal about 30 miles south of Johannesburg¹³. The police responded by opening

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fire on the unarmed mass .During this assault, sixty-nine Blacks were killed and another 186 were wounded, the majority of whom were hit in the back.¹⁴

The Sharpeville massacre had a number of deep consequences on the expectations of the mass movement against apartheid in general and the ANC in particular. Moreover, international attention to South Africa's apartheid policies became greater that may lead to an isolated South Africa.

Soon after Sharpeville massacre, both the ANC and PAC were outlawed and thousands of activists connected to both groups were arrested¹⁵. The government reaction led ANC leaders to conclude that public protest alone would not succeed in weakening the apartheid regime. As a result, The ANC moved its operations underground, and in 1961 it took up arms against the government with the formation of a secret military arm, the Umkhonto we Sizwe, known as MK. On June 26, 1961 Mandela commended the people for their bravery during the recent stay-at home. He again proclaimed that a nationwide operation of non-cooperation would be launched . His letter that was set to the South African newspapers read in part:

I am informed that a warrant for my arrest has been issued, and that the police are looking for me. The National Action Council has given full and serious consideration to this question and they advised me not to surrender myself. I have accepted this advice, and will not give myself up to Government I do not recognise¹⁶.

He then explained his choice of violent struggle and declared that he would not surrender and continue his fight until the end of his life:

I have chosen this course which is more difficult and which entails more risk and hardship than sitting in gaol. I have had to separate myself from myself from my dear wife and children, from my mother and sisters to live as an outlaw in my own land... I will not leave South Africa, nor will I surrender. Only through hardship, sacrifice and militant action can freedom be won. The struggle is my life. I will continue fighting for freedom until the end of my days¹⁷.

In planning the direction and form that MK would take, the ANC started with the least damage against individuals i.e sabotage. Its plan was to make selective attacks against military installations, power stations, and transportation links. Its pupose was to negatively target and hamper the military effectiveness of the capital,

and weaken the country's economy. This, according to the ANC would bring the government to the bargaining table. And in case sabotage did not produce the results the ANC wanted, it would move on to the next stage namely guerrilla warfare and terrorism¹⁸. In its first months of concrete formation, MK conducted some 200 acts of sabotage resulting in even harsher repression by the government through arrests, torture and repression¹⁹. Indeed, about one hundred and fifty six "agitators" were arrested and led to the court. The trial was known as the Treason Trial of 1956¹⁹.

1.3. The treason trial:

The Treason Trial was a trial that took place in Johannesburg. One hundred and fifty six militants including: Nelson Mandela, Adams F. Ahmed, Busa J. Phumelele, Archibald Gumede, Alex La Guma, Chief Albert John Lutuli, Walter Sisulu and others were arrested and accused of treason in 1956. The trial ended in 1961, when all of the defendants were found not guilty for the lack of evidence, but the oppression of the White government was harsh when some of the accused were later convicted in the Rivonia Trial in 1964²⁰.

1.4. The Mayibuye operation:

By the 1960's, the MK High Command and SACP leaders bought a farm known as Liliesleaf in Rivonia²¹. It was agreed that it would be used as a meeting place for their future plans. It also used as a hidden place for the illegal leaders and activists hiding from security police services. However, on 11 July 1963, the same services raided the farm on details from a collaborator. The height of the situation is that the police found a gathering of activists drafting and discussing 'Operation Mayibuye'²².

Indeed, during the raid, the police found a group of men studying– an MK proposal for guerrilla warfare, insurrection and revolution and concretely owning incriminating documents. Among those gathered were Walter Sisulu, Govan Mbeki, Arthur, Goldreich Raymond Mahlaba, Ahmed Kathrada, Dennis Goldberg and Lionel Bernstein and Hepple²³. The latter tried to burn the documents but failed and were rapidly arrested. Their detention was in accordance with the 90-day detention law before their appearance in court; meanwhile investigations started. During the

same period, more arrests followed, including: Harold Wolpe, who was suspected for funding the purchase of Liliesleaf farm; James Kantor, who was the brother-in-law of Wolpe; and Elias Motsoaledi and Andrew Mlangeni who were militants as well.²⁴

During this 90 day detention was added to the accused, Nelson Mandela, for there was concrete evidence of his link with the group of the farm, eventhough he was already serving a five-year sentence for his role in the campaign of strikes of 1961²⁵. Consequently, 1962 Liliesleaf raid led to the historic 1963 Rivonia Trial at which MK leaders, Mandela included, were charged with high treason²⁶.

1.5. The 1963 Rivonia Trial:

On 30 October 1963, ten arrested leaders appeared at the Palace of Justice, Pretoria charged for sabotage actions²⁷. The main defendants were: Lionel Bernstein(SACP), Denis Goldberg, Arthur Gleich, JamesKantor,Bob Hepple, Ahmed Khathrada , ,Govan Mbeki, Rymond Mhlaba, Andrew Mlangeni, Elias Mosoaledi , Walter Sisulu, Harold Wolpe and Nelson Mandela who was already serving a five year sentence in Johannesburg Fort Port for leaving the country illegally. The main charges they faced were the following:

(1) recruiting persons for training in the preparation and use of explosives and in guerrilla warfare for the purpose of violent revolution and committing acts of sabotage; (2) conspiring to commit the aforementioned acts and to aid foreign military units when they invaded the Republic; (3) acting in these ways to further the objects of communism; and (4) soliciting and receiving money for these purposes from sympathisers in Algeria, Ethiopia, Liberia, Nigeria, Tunisia, and elsewhere²⁸.

The defence lawyers comprised Joel Joffe (the instructing attorney), Attorney General Percy Yutar as the prosecutor. Bram Fischer (advocate), Vernon Berrangé, Arthur Chaskalson (advocate) and George Bizos (advocate) and Judge Quartus de Wet as the trial judge were Justice²⁹.

Despite the fact that the then government of Verwoerd was aiming for the death penalty for the accused leaders, the defence team urged the ten accused to plead not guilty to all charges against them. The defendants' daily appearances in court attracted large crowds inside and outside the court .Thus a place that

symbolised their struggle. The most important moment in the trial was probably Mandela's speech that was a crucial decision of an armed struggle.

2-Mandela as the immediate cause of the black armed struggle:

Nelson Rolihlahla Mandela is an anti-racial discrimination revolutionary figure who had undergone many significant changes for the rights of the Black South African. Madiba, as he has been known by all the people of his country, had been a lawyer, a struggle symbol, a negotiator, an orator, a politician and statesman acknowledged both in South Africa and around the world.

He was a leading figure of the African National Congress Youth League (ANCYL). The latter is the young wing of the ANC that relentlessly urged the ANC for radical positions³⁰. During the 1940s, Mandela was regarded as one of the most contributing members of the ANCYL, becoming its Secretary General from 1948. By the time the Defiance Campaign began, Mandela became the face of the ANC struggle³¹. However, in 1952 Mandela and other ANC leaders were banned by the oppressive White government to exercise their militancy 'rights', and thus had to struggle clandestinely. In the early 1960s, Mandela was continuously followed by the secret police as he clearly described it when he said:

I became a creature of the night. I would keep to my hideout during the day, and would emerge to do my work when it became dark. I operated mainly from Johannesburg, but I would travel as necessary. I stayed in empty flats, in people's houses. Whenever I could be alone and inconspicuous. Although I am a gregarious person, I love solitude even more. I welcome the opportunity to be by myself, to plan, to think, to plot. But one can have too much of solitude. I was terribly lonesome for my wife and family.³²

Mandela then known as the 'Black Pimpernel' by the newspapers' reporters because of his constant hiding from security police that could not stop his underground resistance activities, was still pushing protesters for more boycotts, strikes and resistance. Mandela then decided to leave South Africa for the seek of guerrilla formation. As a matter of fact, he received his first military training among the fighters of L'Armée de Liberation Nationale (ALN), the Algerian military wing

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of *Le Front de Libération Nationale* (FLN), in Oujda, Morocco, then in Ethiopia by the Ethiopian army³³.

Yet, the resisting ANC was officially declared a rebel organisation by two UN Security Council including countries: the United States of America and the United Kingdom, the permanent members. They justified their decision because of the ANC's relation with communism³⁴. Consequently, Mandela, the freedom fighter became formally a terrorist.

During his second Rivonia Trial, Nelson Mandela gave reasons as to why he and his comrades thought it crucial in 1961 to implement a policy of revolutionary armed violence in direct defiance of the existing cruelty of the White government. In this regard, Mandela said:

*..... In 1960 the Government held a Referendum which led to the establishment of a Republic. Africans who constituted approximately 70 per cent of the population of South Africa, were not entitled to vote, and were not even consulted about the proposed constitutional change..... The Government's answer was to introduce new and harsher laws, to mobilise its armed forces, and to send saracens, armed vehicles and soldiers into the townships in a massive show of force designed to intimidate the people.*³⁵

He also emphasized on the fact that: *"This then is what the ANC is fighting. Their struggle is a truly national one. It is a struggle of the African people, inspired by their own suffering and their own experience. It is a struggle for the right to live."*³⁶

He then denied the government's allegations that the struggle in South Africa was influenced by foreigners and insisted that it was a true and proper South African struggle:

*At the outset, I want to say that the suggestion made by the state in its opening that the struggle in South Africa is under the influence of foreigners or Communists is wholly incorrect. I have done whatever I did, both as an individual and as a leader of my people because of my experience in South Africa, and my own proudly felt African background, and not because of what any outsider might have said*³⁷.

Mandela detailed the terrible disparities between black and white life in South Africa. In education, health, income, every aspect of life, blacks were barely at

subsistence level while whites had the highest standards in the world- and aimed to keep it that way:

Africans want a just share in the whole South Africa; they want security and a stake society. Above all we want equal political rights, because without them our disabilities will be permanent. I know this sounds revolutionary to the whites in this country, because the majority of the voters will be Africans...this then is what the ANC is fighting for. Their struggle is a truly national one. It is a struggle of the African people, inspired by their own suffering and their own experience. It is a struggle for the right to live³⁸.

Finally, Mandela stated in his speech that he was willing to die for his ideals. He said:

During my lifetime I have dedicated myself to this struggle of the African people. I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die³⁹.

In 1964, along with his compatriots, Mandela was convicted of acts of sabotage and sent to prison where he stayed for 27 years⁴⁰. Despite his long incarceration, Mandela remained the guiding spirit and leader of the anti-apartheid movement.

3- Mandela and Robben Island Prisoners Resistance:

No understanding of political resistance and change in South Africa would be complete without reference to the crucial role international pressure played in interacting with and reinforcing local demands for change. The prisoner resistance on Robben Island in the context of apartheid political history, including resistance to racial rule is the core of this section.

The role of imprisonment in racial rule is also examined, including the introduction of widespread political incarceration and how the state controlled its carceral system by prohibiting knowledge about prison life and monitoring political prisoners. However, the causes for the formation of the armed wing of the ANC,

known as Umkhonto We Sizwe have to be mentioned for a better understanding of the new phase in the Black's struggle.

From the 1960's, some of the political prisoners were held and charged under treason law and new security legislation. First, arbitrary detention became a decisive weapon of the white segegative government repression . From the 1960's, some of the political prisoners were held and charged under treason law and new security legislation. First, arbitrary detention became a decisive weapon of the white segegative government repression. In 1965, this was extended to 180 days and later to indefinite period⁴¹. Second, the Suppression of Communist Act was extended, making it illegal to be a member or office bearer of either the ANC or the Pan African Congress (PAC) , to participate in or to promote the activities of either organization ⁴². Third in May 1962, a new law created "the political offence of sabotage with a five year minimum sentence a maximum penalty of death". The law also provided for banning and house arrest. Fourth, the Terrorism Act became law in 1967 was used to censure and criminalise most forms of opposition to apartheid state, even non-violent political ideas and activity⁴³.

By 1963 and 1964, hundreds of men had been sent to Robben Island prison. They were imprisoned for promoting the plans of the banned ANC. They were also jailed in organizing acts of violence against apartheid. In some cases four men were each sentenced to ten years imprisonment for merely discussing and reading about armed struggle⁴².

On 12 June 1964, all the detainees were sentenced to life imprisonment and held at Pretoria Central prison , and Mandela and others were sent to Robben Island Prison. They were chained, taken into an old building as B Section. As racial discrimination was enlarged to the prison system, African prisoners received different food rations and clothes in contrast to their Indian and Coloured inmates. Mandela and his comrades were held in the old jail until their relocation in section B ⁴³. This division housed the most politically leading detainees were , of course , put into single cells, for the government feared that the influence of those in B Section might spread to other prisoners.

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Other prisoners were housed in the same Section including leaders from the African Resistance Movement (ARM) and PAC. The forced labour included the digging of granites, yet they were exposed to the glare of the lime particularly during summer resulting in eye damage. Although the prisoners fought against authorities to get dark glasses for protection, there was no concrete response. Adding to that they suffered a lot from the food bad quality⁴⁴. Therefore, a year later, he took part in a hunger strike. As a consequence, prisoners were allowed to keep a vegetable garden after years on petitioning the authorities. Mandela took great interest in gardening.

As far as visits are concerned, they were allowed one letter and one family visit every six months. Mandela's wife, Winnie, visited him in July 1966 and 1967, after being granted permission on condition of a passbook holding⁴⁵. Each visit lasted thirty minutes, and their conversations were supervised by prison guards. The following year, Mandela was visited by his mother, who was accompanied by his sister Mabel, his eldest daughter Makie and youngest son Makgatho. Nevertheless, when his mother died, prison officials refused to grant him an authorization to bury her. Another tragic event occurred in 1969 when his eldest son Thembi died in road accident. Again Mandela was not allowed to be present at his son's funeral⁴⁶.

In 1964, large numbers of political prisoners joined the smaller non-political and political prisoner population already on the island and achieved the number of one thousand prisoners⁴⁷. As a matter of fact, more ANC members and supporters arrived, including those who had begun to be active in Umkhonto we Sizwe were put into prison as well. The government was fervent to end agitators, trade unionists and politicians.

By the late 1960's, however, matters became more complex for the White government. Indeed, Black Consciousness groups were developing on black university campuses, and many political organisations were founded including the South African Students' Organisation (SASO)⁴⁸.

By 1975 Mandela had been reclassified and was allowed three letters and two visits. The same year, Mandela started writing his autobiography⁴⁹. Mandela spent four months clandestinely writing his memoirs. The latter were reported by Mac Maharaj and Laloo Chiba into a very small handwriting and hidden in the Maharaj's

study books. Copies of the original manuscripts were wrapped in plastic cocoa containers and buried in the different sections of the garden. Mac Maharaj, an ANC Indian leader, was due for liberation in 1976, and it is acknowledged that Mandela's biography could be taken illegally out of prison by Maharaj. He also helped for its publication on his 60 birthday anniversary in 1978⁵⁰. As planned, Mac smuggled copies of Mandela's biography on his release⁴⁸. But, in 1977 when prison authorities began building a wall to completely isolate B Section they discovered the manuscript hidden in the garden. As a consequence, study benefits for Kathrada, Mandela, and Sisulu were cancelled for four years⁵¹.

4-The last phase of the South African political change:

4.1. Soweto township uprising:

On 16 June 1976, about 15.000 schoolchildren in Soweto left their schools to complain in Soweto township for being taught some subjects in the Afrikaans language. The youth were met by police bullets⁵². This consequently led to months of protests, as did the response of continued police cruelty. As thousands of students had also joined protests, the police intervened leaving one thousand dead and twenty-one thousand prosecuted for related offenses. The student protests breathed new existence into the ANC struggle⁵³. Consequently, the ANC underground actions began to resurface.

In the 1980s, the regime responded with cruelty, attempting to suppress each strike, protest, and violent eruptions and reset control. Nevertheless, the tyrannical police intervention increasingly pushed agitated population for an accelerated of their demands for some governmental steps toward reform. civil rights, improved education, removal of job limitations, urban isolation and the pass laws. As a consequence, mounting pressure combined with domestic chaos to take

4.2. The Governmental Reform through the Commissions of Inquiry and the Twelve Points Plan:

Voster's administration, on its turn, came to terms with the point that the circumstances of the country needed a new approach. As a matter of fact, three Commissions of Inquiry were established.

The first Commission is known as *Theron Commission*. It occurred in 1976 and was the first multi-racial commission, and was concerned with constitutional reforms⁵⁴. It recommended the suppression of laws affecting the non-whites mainly the Coloureds. The latter were to be represented in the South African Parliament.

The second one is the *Riekert Commission*. It submitted its report to Voster's government in 1978⁵⁵. Its main recommendations were socio –economic. It urged the grant of economic rights to the Blacks that were already living in white South Africa through housing and permanent work⁵⁵. However, the blacks who were already living in the homelands were *outsiders and* had to be allowed to have an industrial development in their reserved areas.

Finally, the third one was called the 1979 *Wiehahn Commission*. It was set up in order to deal with the African trade unions for they led alarming protests and work stoppages that could affect the South African economy⁵⁶. Under the guidance of Nic Wiehahn, the Commission recommended the full recognition of the black trade unions, the re-definition of the job reservation policy and the acceptance to discuss the black workers 'grievances.

As a step for a new plan by his administration, Botha introduced a set of measures, known as *the Twelve Point Plan*. According to Botha, this policy aimed at easing the domestic pressure and the international attitude. This reform strategy was a result of a series of commissions of inquiry established by the previous Prime Minister, Voster in 1977⁵⁷.

In the annual speech of the National Party that took place in Durban in 1975, known as twelve point plan speech, Botha resumed his strategic reform as follows:

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- Recognition and acceptance of the existence of multi-nationalism and of minorities in the Republic of South Africa.
- The acceptance of vertical differentiation with the built-in the principle of self-determination at as many levels as possible.
- The establishment of constitutional structures by the Black peoples to make possible the highest degree of self- government for them in States that have been consolidated as far as is practicable.
- The division of powers amongst South African Whites, the South African Coloureds and the South African Indians , with a system of consultation and co-responsibility so far as common interests are concerned. The r
- Acceptance of the principle that where at all possible each population group should have its own schools and live in its own community as a fundamental requirement for social contentment.....The preparedness to consult as equals on matters of common interest with a sound balance between the rights of the individual and those of the community.
- The removal of hurtful, unnecessary discriminatory measures.
- The recognition of economic interdependence and the properly planned utilization of our manpower.
- The pursuit of a peaceful constellation of Southern African States with respect for each other's cultures, traditions and ideals.
- South Africa's firm determination to defend itself against interference from outside in every possible way.
- As far as possible, a policy of neutrality in the conflicts between large superpowers and preference for South African interests.
- Maintenance of effective decision-making by the State which rests on a strong Defence Force to guarantee orderly Government as well as efficient , clean *administration* .
- The maintenance of free enterprise as a basis for our economic and financial policy.

To sum up, it is clear that Botha's *Twelve Point Plan* is the restatement of the policy of his administration ideological engagement on the basis of race

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separation. It is also the reinforcement of the homelands concept through a concrete separation of its groups from South Africa.

Alden , a Senior lecturer at the Witwatersrand University stated in his book that "...*The Twelve Point Plan is the seminal document for understanding the direction that Botha stuck rather closely to the original intentions*"⁵⁹.

On the other hand, an international scale was clearly moving towards a solution for the South African issue through the United Nations.

4.3. United Nations General Assembly and the South African issue:

Apartheid South Africa was put on the schedule of the United Nations (UN) for the first time in 1946 and in 1952 to deal with the issues of segregation and the ANC Defiance Campaign⁶⁰. The South African government responded by emphasising on the fact that apartheid was one of the internal affairs of the independent country, and should not be mentioned during the United Nations 'sessions. Many countries agreed, but they appealed to South Africa to change its racial policy.

In 1959, the UN claimed that the South African government was against the principles of the Declaration of Human Rights, the UN Charter, and the advisory opinion of the International Court⁶¹.

Therefore in 1966, in one of several UN discussions on apartheid policy proclaimed 21 March to be *International Day for the Elimination of Racial Discrimination* in remembrance of the Sharpeville uprising⁶². A 1971 General Assembly resolution did not approve the establishment of homelands for the Blacks were also citizens of South Africa. .

Another form of an anti-racism action against South Africa was the introduction of economic sanctions which were met with satisfaction. In 1962 the General Assembly asked the member states to break diplomatic and trade relations in an attempt to put pressure on South Africa to conceal apartheid. Moreover, four years later The UN asked for the postponement of all cultural, educational and sporting exchanges.

Again in 1972, the Council recognised the legitimacy of the struggle against apartheid and recognising the African movements for freedom as the sole lawful representatives of the majority of the South African people⁶³. Added to that most of the Western countries criticised the unequalled brutality employed by the White government during the Sharpeville and Soweto massacres. This culminated in an historic decision taken by the United Nations by imposing a mandatory arms

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embargo on the country in 1977. In 1989 the General Assembly approved the *Declaration on Apartheid and its Destructive Consequences in Southern Africa*, as a last call to end the oppressive legislative policy of apartheid⁶⁴.

It is, yet important to mention that the UN did not succeed to end apartheid in the long lasting discussions despite the repeated condemnation of the segregative system for a reason that the permanent member states vetoed all the decisions including the United States of America and Britain.

Locally, the uprising also produced prisoners, many of whom were sent to Robben Island. These young men tended to identify with black consciousness ideas and sometimes with black consciousness organizations. Black Consciousness was less a movement than a philosophy and grew out of the idea that blacks had first to liberate themselves from the sense of psychological inferiority because of three centuries of white rule.

As a consequence, prisoners including: Walter Sisulu, Andrew Mlangeni, Ahmed Kathrada and Raymond Mhlaba, Mandela were transferred to Pollsmoor Prison in Cape Town⁶⁵. It was speculated that this was to remove their influence on a new generation of young black activists imprisoned on Robben Island.

That same year a campaign demanding the release of all political prisoners was launched in South Africa and abroad. The campaign was titled 'Release Nelson Mandela' and together with the campaign for economic and other sanctions against South Africa became the symbol of the international Anti-Apartheid Movement. For several decades it was the largest social movement in the world.

Thus, the ANC was experiencing a new birth of popularity. Opinion polls showed the Congress was far and away the most popular political organisation among Africans though it had been banned for a quarter century. The anti-apartheid struggle as a whole had captured the attention of the world. In 1984, Bishop Desmond Tutu was awarded the Nobel Peace Prize⁶⁶. The South African Government was under growing international pressure, as nations all across the globe began to impose economic sanctions on Pretoria.

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With the apartheid government was rocked under international pressure and mounting domestic unrest, the government in South Africa sought to overcome the issue. It sent Minister Jimmy Kruger to visit Mandela in an effort to convince him and to offer to release him on condition that he recognized the independence of the Transkei and to go and live there. Although Mandela did not respond to those proposals, the simple fact that the government was talking to Mandela rather than attacking could be seen as a prelude to true negotiations.

Besides, in late 1984 and early 1985, Mandela had visits from prominent Western Statesmen: Lord Nicholas Bethell, a member of the British House of Lords and the European Parliament, and Samuel Dash, a professor of law at the Georgetown University and a former council to the U.S. Senate Watergate Committee. Both visits were authorised by the new Minister of Justice, Kobie Coetsee⁶⁷. Mandela explained to them that it was not up to Africans to renounce to violence, but the government. He reaffirmed that the ANC aimed for hard military targets, not innocent people. Then he laid out what he saw for a non-racial South Africa: a unitary state without homeland; non-racial elections for central Parliament; and one-person-one-vote. He said: *"It is not my ambition to marry a white woman or swim in a white pool. It is political equality that we want."*⁶⁸

Faced with trouble at home and pressure from abroad, President, P W Botha was forced to issue openly a declaration to Parliament on 31 January 1985 that he was prepared to release Mandela and other Rivonia Trialists.. After he listened to the speech on radio, Mandela made a request to the commander of the prison for an urgent visit by his wife and his lawyer, Ismail Ayob, so that he could dictate his response to the State President's speech.

However, Winnie Mandela and Ismail Ayob were not granted permission to visit for a week. In the meantime, Mandela wrote a letter to the Foreign Minister, Pick Botha, rejecting the conditions of the release, while also preparing a public response. In fact, Mandela was keen to do a number of things in that response, because Botha's offer was an attempt divide Mandela and his colleagues by attempting him to accept a policy that the ANC rejected. Mandela wanted to reassure the ANC in general and Oliver Tambo, exiled ANC leader, in particular that his

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loyalty to the organisation was beyond question⁶⁹. He also wished to send a message to the government that while he rejected its offer because of the conditions attached to it, he nevertheless thought negotiation was the path to a solution. He finally met his wife and His lawyer on a Friday and gave them the speech he had prepared.

On Sunday, 10 February 1985, a UDF rally was held in Soweto's Jublani Stadium where Mandela's response would be made public. Indeed, Mandela's daughter, Zindzi, read her father's response to a cheering crowd of people who had not been able to hear his words legally anywhere in South Africa for more than twenty years. She read:

I am surprised at the conditions that the government wants to impose on me. I am not a violent man...I was only then, when all other forms of resistance were no longer open to us, that we turned to armed struggle. Let Botha show that he is different to Malan, Strijdom and Verwoerd. Let him renounce to violence. Let him say that he will dismantle apartheid. Let him unban the people's organisation, the ANC...I cannot and will not give any undertaking at a time when I and you, the people, are not free. Your freedom and mine cannot be separated. I will return⁷⁰.

With those lines Mandela's response was clear to all that the ANC would not give up his struggle until victory and the government understood his rejection to the offer of his release attached with those conditions.

On November 1985, Mandela had been transferred to Volks Hospital in Cape Town for a prostate surgery. During his stay at hospital, Mandela received the Minister of Justice and Prisons Kobie Coetsee visit. After recuperating, he was taken back to Pollsmore prison not to stay with his colleagues but alone. There he received several visits of remarkable personalities⁷¹. Indeed, at a meeting of the British Commonwealth in Nassau in October 1985, the leaders could not reach agreement on whether to participate in international sanctions against South Africa. That was mainly because British Prime Minister, Margaret Thatcher was definitely opposed. To resolve the deadlock, the assembled nations agreed that a delegation of "eminent persons" would visit South Africa and report back on whether sanctions were the appropriate tool to help bring about the end of apartheid. By early 1986, the Eminent

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Persons Group, Commonwealth members, led by General Obasanjo, the former military leader of Nigeria, and former Australian Prime Minister, Malcolm Fraser, arrived in South Africa on their mission of investigation ⁷².

In February 1986, Mandela had the visit of General Obasanjo to discuss the nature of the delegation's brief. The latter was eager to facilitate a meeting between Mandela and the full group. With the Government's permission such a meeting was scheduled for May. The meeting was joined by two significant observers: Kobie Coetsee and Lieutenant General W.H. Willemse, the commissioner of prison. The Group had come with many questions involving the issues of violence, negotiations, and international sanctions. At the outset, Mandela set the ground rules for the discussions. He said: "I am not the head of the movement. The head of the movement is Oliver Tambo in Lusaka. You must go and see him. You can tell him what my views are, but they are my personal views alone"⁷³.

The Eminent Persons Group, the Commonwealth visitors, was scheduled to see Mandela the day before leaving South Africa, but the South African government refused to give approval to their meeting. This was not the only reaction of the South African government. Indeed, Botha ordered the military force to lead commando attacks on tactical ANC bases in Southern Africa. This oppressive situation polluted the entire discussions and the Eminent Persons Group instantly left South Africa. As a result, Oliver Tambo and the ANC had called for the people of South Africa to render the country ungovernable. The state of unrest and political violence was reaching new heights. The anger of the masses was unrestrained; the townships were in upheaval. International pressure was growing stronger every day. On June 12, 1986, the government imposed a State of Emergency in an attempt to keep a lid on protest. Consequently, the situation worsened and the negotiations were tailed off⁷⁴.

At that month, Mandela wrote a letter to General Willemse, the commissioner of prisons in which he said: "I wish to see you on a matter of national

importance⁷⁵.” The meeting took place in the General residence where Mandela asked the General to let him see the Minister of Justice, Kobie Coetsee for an important issue. The request was allowed and Mandela was received in Minister Coetsee’s residence. The latter asked Mandela about which circumstances would the ANC suspend the armed struggle, whether or not he spoke for the ANC as a whole; and whether he envisioned any constitutional guarantees for minorities in a new South Africa. On his turn, Mandela informed the Minister that he wanted to see the state president and the foreign minister, Pik Botha. However, Coetsee contented himself by taking notes only and did not reply immediately, he simply told Mandela that he would send request through the proper channels. Once the meeting came to its end, Mandela was taken back to his solitary cell on the ground floor of Pollsmoor Prison.

In 1987, Nelson Mandela resumed contact with Kobie Coetsee. In fact he had several private meetings with him at his residence and later that year the government made its first concrete proposal⁷⁶. Coetsee informed Mandela that the government would appoint a committee of senior officials to conduct private discussions with him and that he himself would be the head of that committee. This included General Willemse, the Commissioner of Prisons, Van der Merwe, the Director General of the Prisons Department and Neil Bernard, who was then head of the National Intelligence Service⁷⁷. Mandela considered the offer, for he had known that state president P.W. Botha had created the State Security Council, an “unclear“ group of security experts and intelligence officials to enlarge his power.

The day after, Mandela accepted Coetzee’s offer but requested a meeting with his colleagues to discuss the negotiations. His request was approved and the meeting took place. Mandela’s colleagues objected the idea that the ANC would initiate the talks not the government. Mandela calmed them down and told them that what was important was to hold the talks to overcome the upheaval and to achieve their freedom. Besides, Mandela received a note from Oliver Tambo in which he expressed his concerns about Mandela having secret discussions with the government. Mandela replied in a very terse letter saying that he was talking to

government on one thing only: a meeting between the National Executive Committee of the ANC and the South African government. He did not add detailed in fear of the confidentiality of the communication. At the same time, Mandela addressed a letter to President Botha explaining the ANC views on the vital issues of the country. That memorandum would create talking points for any future discussion.

The first meeting of the top secret working group between the committee and Mandela took place in May 1988 in Pollsmoor, Cape Town. At the beginning, he detailed the history of the ANC and then he explained the positions on primary issues that divided the organisation and the government⁷⁸. Then the talks centered its attention on the decisive issues including: the armed struggle, the ANC's alliance with the Communist Party and racial reconciliation. The issue of armed struggle was in many ways the most crucial and took a number of months. The government insisted that the ANC had to renounce violence and give up the armed struggle before it would agree to negotiations and to Mandela before he could meet President Botha. The government's contention was that violence was nothing more than criminal behaviour that could not be tolerated by the state. Mandela replied that the government was responsible for the violence and that in the case of the Africans and the ANC it was simply a legitimate form of self-defence and that if the state decided to use peaceful methods, the ANC would also use them.

The ANC's alliance with the Communist Party caused problems to the commission on the same scale as its armed struggle. They maintained that the CP dominated and controlled the ANC and that in order for negotiations to begin, the ANC had to break with the CP. Mandela explained at a great length that the party and the ANC were separate and distinct organisations that shared the same short-term objectives, the overthrow of racial oppression and the birth of a non-racial South Africa, but their long term interests were not the same. That discussion took a long time, indeed months. Most Afrikaners thought the reason for this delay was due to the presence of the Communists in the ANC were whites or Indians. As a result, they were controlling the blacks in the ANC. Mandela cited on many occasions when the ANC and the CP had differed on policy and the ANC had

prevailed, but that did not seem to impress them. Finally, in exasperation, he told them:

You gentlemen consider yourselves intelligent, do you not? You consider yourselves forceful and persuasive, do you not? Well, there are four of you and only one of me, and you cannot control me or get me to change my mind. What makes you think the Communists can succeed where you have failed?⁷⁹

The other main area of discussion was the issue of majority rule. The committee felt that if there was majority rule, the rights of the minorities would be trampled. They asked Mandela about how the ANC would protect the rights of the white minority. Mandela assured them and told them that there was no other organisation in the history of South Africa to compare with the ANC in terms of trying to unite all the people and races of South Africa. He even referred to the preamble of the Freedom Charter: South Africa belongs to all who live in it, black and white. He told them that the whites were Africans too, and that any future dispensation the majority would need the minority. Consequently the meeting had a positive effect as Mandela was informed that President Botha was planning to meet him before the end of August 1987⁸⁰.

However, the country was still in turmoil and the government had reimposed a State of Emergency in both 1987 and 1988. International pressure mounted and more companies left South Africa. Besides, the American Congress had passed a sweeping sanctions bill. Although violence was still pervasive, the NP had never been stronger mainly because in the May 1987 the white general election, the Nationalists won an overwhelming majority⁸¹. Moreover, the liberal Progressive Federal Party became the official opposition in the Conservative Party. It was campaigned on the idea that the white government was too “merciful” with the black opposition. Thus, it was a difficult time because at the same time Mandela was suffering from his lungs and was taken to Tygerberg Hospital, on the Campus of the University of Stellenbosch where he had a surgery to take out water from his lungs. He spent six weeks there after the operation recuperating and receiving treatment.

In early December 1988, Mandela was transferred from Pollsmoor Prison to Victor Verster Prison near Paarl in the Western Cape. Various restrictions were lifted, and friends and family were able to meet him. The meetings with the committee continued and they talked on the same issues that had always prevented both sides from moving forward: the armed struggle, the Communist Party, and majority rule. At the same time Mandela was still pressing Minister Coetsee for a meeting with President Botha. By that time, the authorities permitted Mandela to have rudimentary communications with his comrades at Pollsmoor and Robben Island and also the ANC in Lusaka⁸². In January 1989, he had been visited by his four comrades from Pollsmoor and discussed the memorandum that he was planning to send to President Botha. At the end of the letter, Mandela offered a very rough framework for negotiations:

*Two political issues will have to be addressed; firstly, the demand for majority rule in a unitary state, secondly, the concern of white South Africa over this demand, as well as the insistence of the whites on structural guarantees that majority rule will not mean domination of the white minority by blacks. The most crucial tasks which will face the government and the ANC will be to reconcile these two positions.*⁸³

*Mandela proposed that this would be done in two stages. The first being a discussion to create the proper conditions for negotiations; the second being the actual negotiations themselves. He added: "I must point out that the move I have taken provides you with the opportunity to overcome the current deadlock, and to normalize the country's political situation. I hope you will seize it without delay."*⁸⁴

To conclude, the fight of the ANC to achieve its political grievances, which Robben Island prisoners and Mandela had significantly fought for, was rewarding. Indeed, the non-white South Africans became aware of their decisive involvement in such a historic struggle. This participation was characterised by general uprisings which led to the unlawful Treason and Trivonia trials ; nevertheless, it was obvious that South Africa was facing a new era mainly under the presidency of de Klerk. This will be discussed in the next chapter .

Notes:

1-Umkhonto We Sizwe is from the Xhosa Language and means the spree of the nation.

2- H.Adam, and K.Moodley, *South Africa without Apartheid: Dismantling Racial Domination*, Los Angeles and London: University of California Press, 1986.p.45.

3-Quoted from H. Barrell, *MK: The ANC's Armed Struggle* , Johannesburg, Penguin, 1990.p.54.

4- Ibid. p.32.

5-Adam and Moodley, op.cit.p.65.

6- M Benson, *A Far Cry, The Making of a South African: An Autobiography* London, Viking Press, 1989. P.23.

7-Quoted from Adam and Moodley, op.cit.p.70.

8-Ibid.

9-Ibid. p.39.

10- Ksogi means Chief in Setswana Language.

11- A.Callinicos, *South Africa Between Reform and Revolution* ,London, Chicago and Melbourne, Bookmarks, 1988.p.70.

12-Ibid.

13- Ibid.p.86.

14- H. Barrell.,op.cit.p.32.

15- M. Benson.op.cit.p.53.

16- Quoted from Quoted from Adam and Moodley, op.cit.p.54.

17-Ibid.p.65.

18-Ibid.

19- J. Cole , *Crossroads: The Politics of Reform and Repression 1976-1986*, Johannesburg, Ravan Press, 1987.p.32.

20-Ibid.

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21- B. Davidson, J. Slovo, & A.R., Wilkinson, *Southern Africa: The New Politics of Revolution*, Harmondsworth, Penguin, 1976.p.23.

22- Ibid.

23- J. Cole .op.cit.p.56.

24-Ibid.

25- M. Benson.op.cit.p.45.

26-Ibid.p.23.

27- J. Cole .op.cit.p.129.

28-Quoted from M. Benson. op.cit.p.89.

29- E. Feit, *South Africa. The Dynamics of the African National Congress*, London, Oxford University Press, 1962.p.32.

30-Ibid.p.76.

31-Ibid.

32-Quoted from J. Cole .op.cit.p.78.

33-- E. Feit.op.cit.p.32.

34- R.Fine and D. Davis, *Beyond Apartheid. Labour and Liberation in South Africa* London, Pluto Press, 1990.p.21.

35-Quoted from E. Feit.op.cit.p.65.

36-Ibid.

37-Quoted from J. Cole .op.cit.p. 78.

39-Ibid.

40- R.Johnson, *How Long Will South Africa Survive?*, Johannesburg, Macmillan, 1977.p.98.

41- R.Fine and D. Davis., op .cit. p. 109.

42- Ibid.

43- Ibid.p.78.

44- Ibid.

45- E. Feit.op.cit.p.87.

46- Ibid.

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47-Ibid.p.102.

48- R.Johnson., op.cit.p.98.

50- Ibid.

51- J.Kane-Berman, *Soweto: Black Revolt, White Reaction* ,(Johannesburg,Ravan Press, 1978.p.65.

52-Ibid.

53- Ibid.p.81.

54- R.Johnson., op.cit.p.109.

55-Ibid.

56-C.Alden., *Apartheid's Last Stand:The Rise and Fall of the South African Security State*, Palgrave Macmillan UK,1996.p.71.

57-Ibid.

58-the document “ Twelve Point Plan” is drafted by Alden in collaboration of the Minister of Constitutional and Development.p.80.

59- R.Johnson., op.cit.p.104.

60-- J.Kane-Berman., op.cit.p.65.

61-Ibid.

62-Ibid.

63- C.Alden .op.cit.p.109.

64- R.Johnson., op.cit.p.130.

65- J. Cole .op.cit.p.76.

66- Adam and Moodley, op.cit.p.87.

67-Ibid.

68-Quoted from R.Johnson., op.cit.p. 109.

69- J. Cole .op.cit.p.80.

70-Quoted from C.Alden .op.cit.p. 132.

71- T. Lodge, *Black Politics in South Africa since 1945* ,Johannesburg, Ravan Press, 1983.p.54.

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72-Ibid.

73-Quoted from R. Fine and D. Davis., op .cit. p. 40.

74-The State of Emergency started in 1985 .

75-Quoted from R.Fine and D. Davis., op .cit. p.51.

76-Ibid.p. 67.

77-Ibid.

78-Ibid.

79- E. Feit.op.cit.p.93.

80-Ibid.

81-Ibid.p.78.

82- R.Fine and D. Davis., op .cit. p.105.

83-Ibid.

84-Quoted from : R.Fine and D. Davis., op .cit. p.109.

85-Ibid.p.123 .

CHAPTER FOUR

THE POLITICAL TRANSITION IN SOUTH AFRICA AND THE FIRST BLACK RULING GOVERNMENT

In the 1990's, the political scene in South Africa transitioned from the National Party and its segregative apartheid system to rule of the first Black political Party: the African National Party. The process is the core of this chapter.

1-De Klerk and the New Phase of Reform:

The South African President of State, Botha's final fifteen months in office marked the launch of a reassessment of the government's approach towards its long-standing opponent, African National Congress (ANC). While the security situation had been brought under control through the implementation of the full state of emergency¹, the reform process remained deadlocked over the government's inability to "encourage" black South Africans to participate in its negotiation forum. Faced with a persistent opposition, there developed a realization amongst government officials that the proposed next stage of reform would only succeed if the ANC itself was directly brought into the process.

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Tentative steps were taken towards bridging the gap between government hard-liners, Botha among them, and the ANC, which may result in a climate of mutual hostility. As Botha himself moved closer to considering Mandela's unconditional release, his unexpected physical collapse precipitated a constitutional crisis and, in spite of efforts to regain his pre-eminent position, Botha paved the way for the emergence of F.W de Klerk as the new NP leader. This situation was mainly caused by the consequences of his famous speech, known as "Rubicon speech" of 1985.

Indeed, on 15 August 1985, and because of the multiple international persistence, the South Africa's President P. W. Botha delivered a Speech in Durban. The world expected an announcement of significant reforms; however, Botha made it clear that apartheid should be preserved. Botha's resignation and the subsequent break up of much of his administrative structure marked the end of his contribution to concrete reform in South Africa. The election of de Klerk in August 1989 had been the beginning of a key shift in strategy by the NP government that paved the way to the political transition in South Africa. (See the full Rubicon Speech in appendix)

1.2. The ANC and the Negotiation Process:

The 1980's risings demonstrated by the black organised working class during the State of Emergency, which brought the uprising to its height, convinced key figures in the South African administration that they would have to discuss with the ANC. In parallel, many activists had concluded that the administration could be removed by a negotiated resolution only. This had always been the long term aim of the exiled ANC leaders. But it was clear that the crucial initiative in making contact with the government was undertaken autonomously by Mandela himself in Pollsmoor prison. In November 1985, he later recalled:

Immediately in my mind I said: Well, this would be a good opportunity to start negotiations with the government and to maintain this element of secrecy. If you are a member of

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an organisation and your comrades say: 'Don't do this,' whatever your views are, that you have to accept, and that is what I feared. I wanted to confront them [the ANC] with a fait accompli².

On the other hand, Frederik Willem W. De Klerk was elected president in 1989. Before the election, De Klerk argued publicly that South Africa faced a time of choice. In his inaugural address, he went further, defining the need for change through a language of reconciliation:

There is but one way to peace, to justice for all: That is the way of There reconciliation; of together seeking mutually acceptable solutions; of together discussing what the new South Africa should look like; of constitutional negotiation with a view to a permanent understanding. . . . The time has come for unity within our diversity to take form.³

As a matter of fact, after his election as State President, the new NP leader, de Klerk declared at the Parliament opening on February 1990 historic decisions including: the end of a 30-year ban on the ANC, the SACP, the PAC, the postponement of the death sentence until further reconsideration, the discharge of some political prisoners and the partial end of restrictions on the media. He made it clear that: “there is no time left for advancing all manner of new conditions that will delay the negotiating process.”⁴ He then added:

Our country and its people have been embroiled in conflict, tension and violent struggle for decades. It is time for us to break out of the cycle of violence and break through to peace and reconciliation. The silent majority is yearning for this. The youth deserve it.

Some of the administration members were ready to serve de Klerk in order to maintaining the established of control while implementing reformist measures; therefore continuing at their posts. Others were to quit government in frustration and took up positions with the emerging right wing opposition. Another group retained their jobs within the government and adjusted to the new circumstances. Indeed, those new conditions were the new chapter in South African politics.

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After twenty seven years in jail, Nelson Mandela was freed from prison. A crowd of thousands of people gathered to see and hear their leader .As a matter of fact, he addressed a historic speech on the steps of the Cape Town City Hall. He said:

Today the majority of South Africans, black and white, recognise that apartheid has no future. It has to be ended by our own decisive mass action in order to build peace and security. The mass campaign of defiance and other actions of our organisation and people can only culminate in the establishment of democracy. The destruction caused by apartheid on our sub-continent is incalculable. The fabric of family life of millions of my people has been shattered. Millions are homeless and unemployed. Our economy lies in ruins and our people are embroiled in political strife. Our resort to the armed struggle in 1960 with the formation of the military wing of the ANC, Umkhonto we Sizwe, was a purely defensive action against the violence of apartheid. The factors which necessitated the armed struggle still exist today. We have no option but to continue. We express the hope that a climate conducive to a negotiated settlement will be created soon so that there may no longer be the need for the armed struggle.⁵

Mandela's release would be the very beginning of the end of apartheid. Few days after his release, Mandela travelled to Lusaka, the Zambia capital to meet the ANC officials in order to discuss the coming elections of the leader of the ANC.

However, the path to a negotiated settlement proved tortuous and very bloody.⁶ In reality, the political scene was not far from being sane .As a matter of fact, on 4 March 1990; three hundred and forty-three political prisoners began a hunger strike in Robben Island prison demanding their immediate release.

Meanwhile, and few days late, the South African police opened fire on 50 000 anti-apartheid protesters in the township of Sebokeng, near Johannesburg, killing at least 14 people and wounding more than 380⁷. Consequently, President F.W. de Klerk announced the establishment of a Commission of Inquiry, led by Justice Richard Goldstone .Later, Clase, Minister of Education for Whites, declared that the government had decided to ditch segregated state education.

On his turn to South Africa, and as the President of the ANC, Nelson Mandela held discussions with de Klerk on the progress of Groote Schuur Minute in Pretoria, later known as Pretoria Minute. The Groote Schuur talks took place between the

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South African administration and the ANC in Cape Town. On 4 May the two parties signed the Groote Schuur Minute which set out a common commitment to the decision of the current climate of violence and to a peaceable process of negotiations.

Mandela was very active in order to gain an international support therefore, addressed the UN Special Committee in opposition to Apartheid, and urged the members to preserve the agreement about the adoption of the Declaration on Apartheid and its Destructive Consequences in Southern Africa in December 1989 and said:

It is, however, also true that there are many among our white compatriots who are still committed to the maintenance of the evil system of white minority domination. Some are opposed because of their ideological adherence to racism. Others are resisting because they fear democratic majority rule. Some of these are armed and are to be found within the army and the police. Outside of these state agencies, other whites are working at a feverish pace to establish paramilitary groups whose stated aim is the physical liquidation of the ANC, its leadership and membership, as well as other persons or formations which these right-wing terrorist groups see as a threat to the continued existence of the system of white minority domination. We cannot afford to underestimate the threat that these defenders of a brutal and continuing reality pose to the whole process of working towards a just political settlement.⁸

Mandela's speech revealed the truth about the practises of the government in South Africa and mainly towards the ANC. Indeed, the basic reason for this lay in the plan pursued by de Klerk and the NP. It shortly became clear that they were not negotiating in good faith. Their aim was, while conceding the formal principles of liberal democracy, to preserve the core of white economic and political power.

For the most part, the regime harboured desperate hopes of splitting Mandela off from what they believed to be the Communist dominated ANC in exile. Afterwards it sought to form an electoral alliance between the NP and conservative black organisations, above all Inkatha⁹. All out conflict between ANC and IFP supporters, which had first developed in the townships and squatter settlements of Natal after the 1984-1986 risings, spread to the Pretoria-Witwatersrand-Vereeniging (PWV) region, the industrial and political heart of South Africa centred on Johannesburg, in July-August 1990. Overwhelming evidence quickly accumulated of the role of a 'third force', backed by the security forces and allied to Inkatha, in

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stoking up the violence. The effect was to disorganise the ANC's popular base and force it onto the defensive.

As a matter of fact, Mandela searched for international support. He delivered his speech in Addis Ababa on 9 July 1990 at the 26th assembly of the Organisation of African Unity (OAU). He criticized the continued brutality against his people and the need to go on with fighting as a duty to free the Blacks from the authority of the White administration. He appealed the OAU to further support them to change the existing present in South Africa and for financial assistance to help them reestablish the legal structures of the ANC after 30 years of illegality. He also asked for assistance to help them in the process of repatriating their political exiles as well resettling them and would be freed in terms of the Groote Schuur agreement.¹⁰ He requested for material support to permit them to carry out the extensive work of the mobilisation of public peace:

As we have said in the past, we accept the honesty and integrity of President De Klerk and his colleagues in the leadership of the ruling party, we are convinced that they will keep to such agreements as we arrive at. However this by no stretch of imagination means that the struggle is over. The fact of the matter is that our country continues to be ruled by a white minority regime. As I have said before, I could not vote when I went to prison 27 years ago. I still cannot vote. The apartheid system continues. Its main pillars are intact. Therefore the struggle to end the apartheid system must continue. Apartheid South Africa must still be isolated. Our liberation movement still requires your support in this effort to bring about an early demise of the apartheid system. The programme of the action contained in the Harare and United Nations declarations remains valid, historic organs of struggle of the OAU, such as the liberation committee, still have task ahead of them and should therefore be restricted and strengthened to carry out their mission effectively in the context of the rapidly changing situation in our country.¹¹

Surely, the path towards full liberation from the White domination proved to be long-lasting. By July, the ANC sent a statement on the unhuman practises of police action in rural areas mainly the farming towns of Ashton, Montague and Roberston. It was based on about fifty statements of their lawyers' victims. More to the point, the Special Committee against Apartheid issued a report on the Progress made in the Implementation of the Declaration on Apartheid and its Destructive Consequences. It agreed in the assessment that while the process of change in South

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Africa had started, it was still at an initial phase; nonetheless, they introduced the report at a resumed assembly of the General Assembly held on 20 July. As a result, it was decided to hold a debate on the report from 12-14 September 1990, and this was a huge accomplishment for a tangible change in South Africa.

Still, the bloodshed was extensively increasing and both the ANC and the White government were obliged to find a common position for the daily violence. Therefore, on 6 August and after 14-hours of negotiations in Pretoria the South African government and the ANC recommitted themselves to the Groote Schuur Minute and emphasized on a part of the document that said that:

Our country cries out for peace and peace will not come out of the barrel of your gun. You proved that on 2 February 1982 .It will come when we have established a just society for all the people of our beautiful country .There is no other way.

The ANC also agreed to postpone the armed struggle in order to reach a peaceful political settlement. These agreements were signed in the “Pretoria Minute.”¹² However, ten days later Fighting broke out when Zulu migrant workers armed with axes and spears attacked passengers at a train station. On 17 August, The ANC as well as Congress Of South African Trade Unions issued a statement accusing members of the South African security forces of orchestrating the conflict in the townships, and that they had a confirmation of false pamphlets being dropped in the migrant workers' hostels conveying the idea that the ANC wanted to assault Zulus and drive them out of the townships. As a matter of fact, a hundred of people died in few days of fight between township residents and migrant Zulu workers, and the government declared a State of Emergency in that region. On 31 August, the Special Committee against Apartheid issued a report expressing profound anxiety at the decline of the situation in South Africa, the continued incarceration of Mac Maharaj and the leaders of COSATU. Furthermore, the Goldstone Commission of Inquiry was established to inspect the Sebokeng massacre, when the police opened fire during a march of about 50 000 township residents and killed eleven people.

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As a result, by October 1990, Nelson Mandela discussed the current violence with President F.W. de Klerk and issued a joint declaration. The latter declared that there were "different current perceptions concerning the causes and handling of this violence». Afterwards, in a historical report President de Klerk allowed two thousand exiles to come back to South Africa.

In addition, on 20 June 1990, the Reservation of Separate Amenities Act, which legalised the segregation of public places, transportation and services, was formally cancelled after Parliament's vote. To maintain the option of negotiations, the Minister of Justice, Kobie Coetsee gave instructions for the discharge of political prisoners and the return of expelled ones. However, he emphasized on the ANC's willingness and promise to hang its armed resistance and sabotage's actions.¹³

On 13 December 1990, Oliver Tombo, the then president of the ANC came back to South Africa after 30 years in exile. Then, the first consultative meeting of the ANC took place. The discussion, which was attended by more than a thousand members, lasted three days. It, therefore, mandated the National Executive Committee to "serve notice on the regime that unless all the obstacles are removed on or before 30 April 1991, the ANC shall consider the suspension of the whole negotiation process" ¹⁴. It also emphasized on the statement fact that 1991 was the year of great change. They also agreed on the establishment of defence units to protect residents of the townships.

By the end of the Conference were elected Nelson Mandela as President, Oliver Tambo, who served as President from 1969 to 1991, was elected National Chairperson, Walter Sisulu as Deputy President, Cyril Ramaphosa as Secretary General and Thomas Nkobia as Treasure General.

1.3. The ANC Efforts to End the Townships' Violence:

The beginning of 1991 witnessed major steps towards negotiations from the ANC and the government in spite of the daily violence. Initially and in order to

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show its good faith towards the Blacks, two hundred and five Black children were admitted to the white reserved schools. The ANC, however, gave President de Klerk a list of police officers believed to have participated in township violence and demanded their removal.

At the end of January, the ANC had to make greater efforts to end violence; therefore, a summit was held in Durban between the ANC and the Inkatha Freedom Party (IFP). The meeting was attended by Chief Mangosuthu Gatsha Buthelezi, the founder of IFP, and the ANC Deputy President Nelson Mandela. In a joint statement, they mutually expressed their commitment to a political tolerance.

For fear of an alliance between the two parties, Nico Basson, a retired army major testified that the South African military had supplied armaments and secret assistance to IFP in order to weaken the position of the ANC. A formal denial of the allegations was stated by The IFP leader Chief Mangosuthu Gatsha Buthelezi.

On 19 July, in a report published in the *New Nation*, a former South African army sergeant, Felix Ndimene, alleged that members of the Five Reconnaissance Regiment, which is part of South Africa's special forces, carried out an attack on a Soweto-bound train in September 1990. Twenty six persons died in that attack. Consequently, two days later, the government admitted to providing another secret fund to the IFP and its trade unionist branch: the United Workers Union of South Africa (UWUSA). As a result, on 22 July, after an emergency meeting of its National Working Committee, the ANC asked among other things, for the dismissal of Law and Order Minister Adriaan Vlok and Defence Minister Magnus Malan, the establishment of a multi-party commission of inquiry into the authorities' involvement in the violence and the secret funding of political activity, as well as the public dismantling of all special counter-insurgency forces. The ANC also issued a press statement, entitled '*State-sponsored violence against the people*', which responded to the "Inkathagate scandal." as it came to be known².

For The welfare and stability of the country, Representatives of the ANC and IFP as well as black business and religious leaders met in Johannesburg to continue their talks aiming to end violence.

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In parallel, in April 1991, President F.W. de Klerk refused the ANC's demand to dismiss the Minister of Defence, General Magnus Malan and the Minister of Police, Adriaan Vlok. Nevertheless, he took a positive step when he announced during the opening of Parliament, that the Land Act, the Group Areas Act and the Registration of Population Act should be abolished. The government also repealed different Acts to prove its willingness to negotiations and reconciliation. On 17 June, The Population Registration Act, which required people to register as belonging to one of four racial groups : White, Black, Coloured or Indian was repealed by the Population Registration Act Repeal Act, No 114 of 1991. Moreover, on 21 June, the Internal Security Act was amended to remove certain police powers such as allowing detention without trial. By the end of the month, on 30 June, Abolition of Racially Based Land Measures Act No 108 was passed.¹⁵

On 30 July, while addressing a press conference, de Klerk declared that all particular projects which represented support for political parties had been withdrawn, and the NP outlined its constitutional suggestions to be discussed at its coming Federal Congress¹⁶. To encourage peace on 15 August, the South African Government, ANC and IFP agreed on a plan of National Peace Accord which they described as "a firm foundation on which peace in South Africa can be achieved". The draft included a code of conduct for all the politicians and policemen.

On the other hand, Javier Pérez du Cuéllar, the then Secretary-General of the United Nations reported that despite the difficulties to deal with the circumstances, the ending of segregation had remained on route. As a result, the UN Commission on Human Rights (UNCHR) and South Africa signed a Memorandum of Understanding about amnesty for South African refugees and political exiles. The agreement provided for a system allowing UNCHR to make representations on behalf of persons not granted forgiveness and the establishment of UNCHR presence in South Africa.

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Going further forward in the negotiation and peace process, on 14 September 1991, The National Peace Accord was signed in Johannesburg by 23 political parties and organisations including the ANC, the IFP and a number of political parties, trade unions, religious and civic organisations, as well as the government¹⁷. It established a National Peace Committee and a Commission of Inquiry concerning the Prevention of Public Violence and Intimidation. It was chaired by Justice Richard Goldstone, to observe the implementation of the agreement. On 24 October 1991, The Goldstone Commission was established by the government under the terms of the Prevention of Public Violence and Intimidation Act of 1991¹⁸ as a arrangement of the National Peace Accord. Justice Goldstone was once again unanimously appointed as Chairman to head the commission with five other people. Besides between 26 and 27 October 1991, a Patriotic Front Conference was held in Durban and was attended by 90 organisations including the ANC, PAC and COSATU.

The Participants agreed on a Declaration in which they called for: a Constituent Assembly to outline and approve a democratic charter; a sovereign transitional Authority and an All Party Pre-Constituent Assembly Meeting.

On 5 November, at the end of a two-day meeting of consultations, held in Geneva, by the Special Committee against Apartheid, they adopted a declaration of action to pursue a policy of pressure on the South African authorities and assistance to democratic organisations in South Africa.

On 30 November 1991, at the end of a two-day preparatory meeting chaired by Judge Ismail Mohammed and Judge Petrus Schabert, nineteen political and other organisations decided collectively that the first assembly of a Convention for a Democratic South Africa (CODESA) would be held in Johannesburg to examine the constitutional principles and transitional arrangements. Delegates also agreed on a nine-point agenda for the Convention, the establishment of a steering committee to facilitate its convening and on invitations to various international organisations to observe its proceedings.

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On 11 December, The first Regional Dispute Resolution Committee was established in Natal in terms of the National Peace Accord ¹⁹. Moreover, one day later, and under the accord reached by UNHCR and the South African authorities arrive in Johannesburg in August the first group of one hundred and twenty exiles returned to South Africa from Tanzania.

On the other hand, The UN General Assembly adopted seven resolutions, on the *Policies of Apartheid of the Government of South Africa*. The UN Secretary-General declared Ogata, the High Commissioner for Refugees, and Prof. Gambari, Chairman of the Special Committee against Apartheid, would direct the United Nations delegation. From the other hand, the Organisation of African Unity, the Movement of Non-Aligned countries, the Commonwealth and the European Community were also observers at CODESA.

The Steering Committee of CODESA reached an accord in which all parties would execute themselves "politically and morally" and into effect. Nevertheless, Chief Buthelezi announced that he would not be present at the first session of the Committee.

Delegates of the CODESA decided to set up working groups which were to report to a second CODESA plenary meeting before the end of March 1992. Seventeen of the 19 political groups among them : the PAC and Conservative Party participated in the first session and signed in a joint statement a Declaration of Intent. They stated that "the broad objectives expressed in the Declaration of Intent are a most constructive and auspicious beginning for CODESA and give promise of attainment of true democracy for South Africa."²⁰

The ANC which was still entirely devoted and engaged, continued its struggle towards a democratic state in 1992. On 8 January, at its eightieth anniversary celebration, the ANC presented its post-apartheid policies and launched its electoral operation. The annual January 8th statement was given by Nelson Mandela in which he pledged himself to realize the oppressed Black community

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dream and end up the apartheid system. In fact 1992 was the prelude for that objective as it witnessed a great upheaval in South Africa namely the Referendum of March 1992 that would pave the way to the political transition.

2- The 1992 Referendum for all the South Africans:

By January 1992, de Klerk opened the Parliament session and suggested a referendum in which the vote of each race group be counted independently. The ANC rejected de Klerk's suggestions for a referendum. Thus, on 2 February, President F.W. de Klerk announced officially that an all Whites referendum to be held on 17 March 1992, in order to guarantee the continuation of the reform process for a new constitution through negotiations. President de Klerk announced the results of a referendum in which only white people were allowed to participate. The referendum was to determine the White support for the progression of negotiations and the dismantling of apartheid. The result was a venture for both the National Party (NP) and its leader, de Klerk, yet it was an occasion to silence the white right-wing. The latter constituted in the Conservative Party (CP) after its members broke away from the NP. It also strongly opposed to negotiations between the NP and the African National Congress (ANC) to end apartheid.²¹

During the second round of negotiations, known as CODESA II, the National Party insisted that any potential political privilege had to take the form of a power-sharing arrangement. The Conservative Party was actually gaining reputation by opposing any transition through a negotiated resolution. It emphasized on fears of the conservative Whites that a black-led government would be catastrophic for them. Recent CP victories in three by-elections had sent tensions through the ranks of the NP.

In 1991, the Conservative Party won two seats in by-elections, giving the impression that the party could be winning a general election. In February, a third by-election was held in Potchefstroom to fill a seat left vacant by the death of Louis le Grange, who was the speaker of the white House of Assembly. Despite the efforts

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of de klerk who actively campaigned for the NP and went to Potchefstroom, the seat was, unfortunately, won by Andries Beyers, the secretary of the CP, who garnered a majority vote of 9,746 voices in contrast to the 7,606 votes²² for his NP opponent, Theuns Kriel. Accordingly and during the period between CODESA I and CODESA II, the NP lost three by-elections to the CP.

While the defeats did not decline the NP and its control of parliament, it emboldened the CP to consolidate its position against negotiations. As Beyers argued that “...the message to Mr De Klerk is to resign and call a general election.”²³ Indeed, de Klerk affirmed the decision of resignation as the President of South Africa if the white majority voted against the procedure for ending apartheid. According to de Klerk, the outcome of the referendum would have profound implications for the prospect of South Africa in the future.

The CP leader Treurnicht gave a confirmation that his party would participate in the votes. While the CP welcomed the poll, some ANC leaders were opposed to the referendum as it was for White people only. But Nelson Mandela persuaded the ANC to throw its support behind a “Yes” vote as a “No” vote; otherwise a narrow NP triumph could plunge the country into chaos through the right wing votes that would reverse the whole negotiation process.

The CP leader Hatzenberg formed an agreement with another right-wing party known as the Afrikaner Weerstandsbeweging (AWB). Its leader was Eugene Terre’Blanche. Surprisingly, a number of blacks also supported the position of the CP including the head of the Reformed Independent Churches Association, Bishop Isaac Mokoena and challengingly declared that “Giving in to the ANC means capitulating to communism. I am trying to stop the ANC-SACP takeover. For that reason the CP must win.”²⁵

Nevertheless, Chris Hani and the secretary of the South African Council of Churches, Rev Frank Chikane and other leaders warned of the repercussions of a “No” vote. To dismiss perceptions fuelled by the right wing that whites would lose everything under an ANC government, Mandela assured whites that an ANC-led

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government would not retrench white civil servants, and that those who left would preserve their benefits.

Different local and international companies expressed anxiety about the referendum in case of a “No” vote victory. Big businesses in the country highlighted the threat of a “No” vote and strongly campaigned for a “Yes” vote. Companies such as Anglo-American, Barlow Rand, BP, Caltex, First National Bank, Murray and Roberts, Shell, and Standard Bank urged for a “Yes” vote among their employees. Numerous business leaders initiated a Private Sector Referendum Fund to finance the campaign for a “Yes” vote. An estimated R1-million was raised in support of the “Yes” vote and the NP leader De Klerk. Moreover, posters in newspapers such as the *Sunday Times* stated that:

This is what we have achieved since 1990: we have already been accepted back into the international fold; sanctions have been lifted, trade is starting to prosper; investment capital is pouring in, creating new jobs, new opportunities. This is what a 'No' vote will destroy overnight.²⁴

The international reaction was unpleasant to the NP and the CP leaders. First, the then US Assistant Secretary of State for African Affairs, Chester Crocker, made it clear that the United States was not ready to support a right-wing Pretoria system and would demand penalizing actions. Second, the Federation of Economic Organisations in Japan also threatened to snub South Africa. Third, the Australian government threatened to restore sanctions and ban the South African national rugby team from playing in Australia. Fourth, the European Parliament in Strasbourg declared that a victorious “Yes” vote would accelerate the normalisation of South Africa’s relations with the West and the removal of sanctions on arms sales. Finally, leaders of the Frontline States deliberated on the implication of a “No” vote in Zambia’s capital Lusaka. The representatives of the ANC and the Pan Africanist Congress issued a joint statement on the impact of a “No” vote would have for the Southern Africa area.

In South Africa, other politicians also campaigned for the “Yes” vote among them, , the leader of the Democratic Party explaining that his party’s view was that a “No” vote would bring the right-wing to supremacy, leaving them the freedom to “decide which part of South Africa is to be reserved exclusively for

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whites.”²⁵ Zach de Beer also warned that such a vote would result in the restoration of all forms of international sanctions, including economic sanctions.

The question the voters had to decide on was: “Do you support the continuation of the reform process that the state president started on 2 February 1990 and which is aimed at a new constitution through negotiation?”²⁶ On the voting day, 86 percent of the registered voters turned out and 68.7 percent -1, 924,186- voted “Yes”²⁷ in all of the fifteen regions except one. The “No”²⁸ vote stood at 875,619. Polling patterns in major towns showed approval for the “Yes” vote. Pretoria voted 57 percent “Yes”, while Cape Town and Bloemfontein polled 85 and 58.5 percent respectively. In Pietersburg white people voted “No”²⁹ with a majority of 56.8 percent.²⁶

As a consequence, De Klerk won and defeated the CP and its white right-wing supporters; he also expected to use his triumph to reinforce his position in the negotiations. De Klerk declared:

Today we have closed the book on apartheid. It doesn't often happen that in one generation a nation gets an opportunity to rise above itself. The white electorate has risen above itself in this referendum.²⁷

On his turn, Mandela noted after the outcome of the results: “In principle, the referendum signalled the end of white privilege, the ‘Yes’ vote means that whites are now prepared to address these problems. There is no alternative to negotiations.”²⁸ Not only was the referendum a historic approval for the NP to continue with the negotiation process; but it also reflected an endorsement for a nonviolent transition from a segegative rule to democratic one.

Concretly, the negotiation process was not that peaceful as it witnessed the continued flow of violence from both sides of the conflict but the historical events continued to emerge in South Africa to enable the political transition towards democracy. Indeed, in April 1992 more than 250 women representing 60 organisations came together to launch the Women's National Coalition (WNC). A national steering committee was elected to co-ordinate the process of drawing up a Women's Charter. It was through the Women's National Coalition that women enter the CODESA talks. Meanwhile violence prevailed and increased to lead Nelson

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Mandela on 3 April, to calls for an "independent international monitoring force" to help curb violence in South Africa.

As a result, on 6 April 1992, the Human Rights Commission (HCR) of South Africa said that the level of violence in the country had reached unprecedented levels during March 1992, with 437 persons killed and 898 injured and that "the extreme level of violence was undoubtedly the result of forces working to destabilise the referendum and the peace process". At the same time the political efforts towards peace and negotiations were gaining little success. On 12 May 1992, an agreement was reached in Working Group III of CODESA on the establishment of a multiparty Transitional Executive Council, which could take decisions by an 80 per cent majority and three days later, on 15 May, The second plenary session of CODESA (CODESA II) was convened in Johannesburg. However, the day after CODESA talks ended in deadlock.

The ANC threatened mass action if the government did not compromise on constitutional issues which would lead to the establishment of an interim government and elections for a constituent assembly. Consequently, on 3 June 1992, in a report entitled "Agenda for Peace", the International Commission of Jurists (ICJ) criticised IFP leader Mangosuthu Gatsha Buthelezi for "carrying a heavy responsibility for the escalation of violence". Moreover on 10 June, Amnesty International released a world-wide report entitled "State of Fear" which accuses South Africa's security forces of involvement in violence, and states that the Government is guilty of "gross negligence at best". Thus, on 16 June, The ANC began a campaign of public protest based on gatherings, work stoppages and intimidations for an impressive general strike, until the white administration agreed for the creation of an interim government and an urgent elected assembly to write a new constitution. Unfortunately and in a disastrous reaction, armed attackers hacked their way through the Black township of Boipatong, leaving more than forty people dead and injured women and children. In its response to that massacre, the ANC announced that it would delay all talks with the government.

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The ANC leaders found themselves compelled to turn to the masses. After June 1992, and a revolting Inkatha Freedom Party massacre in the Vaal township of Boipatong, violence returned to the streets. The ANC, the Congress of South African Trade Unions and the Convention for a Democratic South Africa launched a Mass Action Campaign after the collapse of the first effort at formal talks, in May. Cyril Ramaphosa, secretary general of the ANC and the movement's chief negotiator, explained: "We needed to put the entire struggle on a completely different plane, and that plane had to be resorting back to the major power that we had, which was our people."²⁹

At the international level, the ANC increased its efforts to back violence that obstructed the peace procedure. On 29 June, Nelson Mandela addressed the Twenty-Eighth Assembly of Heads of States and Governments of the OAU in Dakar, Senegal. As a result, the OAU Council of Ministers issued a declaration calling for an urgent meeting of the UN Security Council to examine the issue of violence in South Africa and to take action to put an end to it. In July 1992, The South African government and the ANC attempted to break the stalemate, resulting from the Boipatong massacre³⁰. In fact, President F.W. de Klerk offered to lower the margin of approval needed for changes in South Africa's constitution from 75 per cent to 70 per cent. This issue, among others, had unfortunately brought talks to an impasse of the CODESA II. Meanwhile, during a four-day consultative visit in South Africa, Commonwealth Secretary-General Chief Emeka Anyaoku said the Commonwealth was prepared to help get constitutional talks back on track. Yet, on 13 July 1992, the tripartite alliance, consisting of the ANC, the SACP and the COSATU, outlined mass action plans from the beginning of August and the occupation of cities on 5 August. To overcome the matter, an International Hearing on Political Violence in South Africa was held in London.

Additionally on 15 July, and at the request of the OAU, the Security Council set up to examine the issue of violence in South Africa and took proper action to end it. Nelson Mandela also addressed the UN Security Council. Consequently, on 16 July 1992, The Security Council unanimously adopts Resolution 765 to assist in bringing an effective end to the violence and in creating conditions for negotiations to resume³¹.

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In an attempt to end up violence, on 23 July 1992, Justice Richard Goldstone, chairman of the Goldstone Commission of Inquiry, announced that an agreement had been reached between the South African Police, ANC, SACP and COSATU on the principles outlined by a panel of experts on how mass demonstrations should be controlled. Besides on 27 July, Church leaders launched a major initiative among business, labour, government and political groups to restart negotiations and help create a more favourable political climate for the coming week's general strike.

Indeed, Nelson Mandela stated that a general strike would go ahead, and that the aim of the mass protest was not an insurrection but the peaceful removal of de Klerk from power; the immediate transfer of political power to the people, installation of an interim government, free and fair elections to a constituent assembly. Thus by the end of July, the South African government and ANC leaders held talks, brokered by the United Nations Special Envoy to South Africa, Cyrus Vance, to break the political stalemate. On 3 August 1992, a forty-eight-hour strike of some 4 million workers and a week of mass action started to force an early transition to majority rule. The tripartite alliance released a press statement on the success of the strike. After this demonstration of mass determination the NP could harbour no illusions about the extent and the depth of the ANC's popular support.

Nevertheless, for Mandela and Ramaphosa, the Mass Action Campaign was only a calculated diversion from the negotiation process, a means of showing the white regime how strong the ANC was.

Another important strategy known as 'Leipzig Option' was adopted by ANC and SACP leaders for the purpose of using mass demonstrations to bring down the government. It was quickly disgraced after one of its main proponents, Ronnie Kasrils, was widely believed to have impulsively led marchers into a massacre by soldiers of the Ciskei Bantustan at Bisho in September 1992.³²

Meanwhile, contacts between the ANC and the NP occurred, for example private discussions between Ramaphosa and his Roelf Meyer continued thanks to the Mass Action Campaign. Yet in order to secure a summit with Mandela that would agree the basis for carrying on with the negotiations, de Klerk had to make a

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symbolically crucial concession concerning the release of political prisoners. For Ramaphosa, that 'without a doubt was the turning point of the whole negotiating process'.³³ Afterwards, the ANC made its own key concession through Joe Slovo, the chairperson of the SACP. It also accepted the principle of temporary departure from firm democratic principles such as a transitional coalition government that would help to overcome white fears of majority rule.³⁴

The closing settlement was, still, significantly more encouraging to the ANC than de Klerk and his supporters had hoped. This ending, nevertheless, were obtained primarily from the negotiating skills of Mandela Ramaphosa and Slovo, and as a consequence of the intervention of the masses. On 3 September 1992, The National Executive Committee of the ANC endorsed proposals for the intensification of the mass action campaign and decided not to resume negotiations until meaningful steps were taken by the Government to deal with the violence. Furthermore on 7 September, The ANC led a march against the Ciskei government and the Bisho massacre took place. As a response, the ANC released a press statement condemning the killings. On the other hand, de Klerk stated that it was "simply not possible to negotiate constitutional issues before the question of violence had been dealt with satisfactorily."³⁵ He called for another meeting to be convened urgently with the leadership of the ANC to discuss the issue of violence.

On 14 September 1992, in a statement on the National Peace Accord, the Human Rights Commission (HRC) of South Africa stated that some 3,400 persons had died in political violence in the year following the signing of the Accord. At a peace summit, and in order to solve the issue, F.W. de Klerk and Nelson Mandela agreed to continue the constitutional negotiations .

However, at a meeting held in Ulundi, IFP leader Chief Mangosuthu Gatsha Buthelezi warned that Zulus would continue carrying cultural weapons. Yet on 26 September 1992, a bilateral summit between delegations of the ANC and the South African Government, led respectively by Nelson Mandela and President F.W. de Klerk, was held in Johannesburg. A Joint Record of Understanding was issued, as the basis for the resuming of the interrupted negotiations. Fortunately, an agreement was

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reached including on the prohibition of dangerous weapons, the fencing of a number of hotels, the liberation of all remaining political detainees, finally the need for an elected Constituent Assembly with a fixed time frame. Later, the National Executive Committee of the ANC approved the *Record of Understanding*³⁶ between the delegations of the ANC and the white government. It also agreed on sufficient movement to enable the ANC to go back easily to negotiations. The session resolved to take additional precautions in future marches to minimise possibilities of any loss of life and injury.

On 29 October 1992 and as the agreement seemed to be successful between the ANC and the white government, the first group of European Community observers, including some police officers, lawyers and economists, arrived to South Africa for preventing violence, defusing tension, and promoting peace. In November 1992, The ANC released its strategic perspectives documents, which opted for an indefinite power-sharing coalition with the National Party. On his turn President F.W. de Klerk spelled out a government timetable for a transition to multiracial democracy and that all-race elections would take place by April 1994. Besides, on 15 November, in line with the Record of Understanding reached between the South African government and ANC, 42 political prisoners were released. Consequently, on 1 December 1992, The United Nations Children's Fund (UNICEF) joined the offices of the UN High Commissioner for Refugees (UNHCR) in South Africa to assist in the reintegration of returnees, particularly women and children³⁷. Besides, on 10 December, the Concerned South African Group (COSAG) which was formed by the AWB, IFP, Lucas Mangope of Boputatswana, Oupa Qgozo of the Ciskei and Andries Treurnicht of the Conservative Party issued a statement that multi-party talks should be resumed. As a result of all these efforts, Boutos Ghali, the UN Secretary-General submitted a statement to the Security Council on the positive improvement to promote peace and a multi-party negotiations in South Africa.

Certainly, in 1993, the steps towards peace increased forward in South Africa to pave the way to the concrete political transition a year later. At the beginning of 1993, on 1 January the Restoration and Extension of South African

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Citizenship Act was passed. It would allow, as of 1 January 1994, for the extension and restoration of citizenship to certain citizens of the Republic of Transkei, Bophuthatwana, Venda and Ciskei. Moreover, the Abolition of Restrictions on Free Political Activity Act was also published³⁸.

On 5 January of the same year, The Swedish Government announced to be giving financial aid totalling about R110 million to the ANC and other organisations in South Africa. This involved religious, educational, cultural, and human rights fields. This exceptional assistance would be phased out when ANC and others started regular elections campaign.

On 26 January 1993, a joint press statement was issued by the government and the ANC on future joint meetings. The government delegates were led by Mr. Roelf Meyer, the Minister of Constitutional Development, and the ANC's was led by Mr. Cyril Ramaphosa, the Secretary General of the ANC. These meeting discussed security, incorporation of Transkei, Bophuthatswana, Venda and Ciskei ,forms of a Government of National Unity, and an ugent media reforms.

Nevertheless, on 29 January, at the opening of Parliament, President F.W. de Klerk warned that South Africa would be plunged into a civil war if democratic negotiations failed³⁹. Most disastrously, in a report, the Commonwealth Observer Mission to South Africa (COMSA) concluded that South Africa was "one of the world's most violent" based on its murder rate.

On 21 February 1993, the ANC Foreign Affairs Department hosted an International Solidarity Conference to assemble worldwide support and help raise financial support for its vote campaign in Johannesburg. Besides during nine days starting on 1 March, a delegation of the Special Committee against Apartheid visited South Africa. Meanwhile on 5 March, delegations from 26 parties and organisations held a two-day multiparty planning conference ending a 10-month deadlock. Indeed in the Beginning of April 1993, Representatives from 26 South African political parties and organisations resumed multiparty negotiations marking the start of

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serious deliberations on the transition since the collapse of CODESA. This became known as the Multi Party National Congress⁴⁰.

However, violence was the main figure in South Africa, on 10 April 1993, the South Africa Communist Party General Secretary and the member of the National Executive Committee of the ANC, Chris Hani, was shot dead outside his home by a white Polish radical. Quickly, Nelson Mandela released a press statement condemning the killing. Moreover, he addressed the country on television on the assassination of Chris Hani. The latter's historic funeral was attended by a crowd of 150.000 people.

Violence would grow more and more in South Africa as the coming elections drew nearer. Indeed, on 22 April 1993, People's Action Front was founded. Its membership comprised right wing militant organizations which opposed the negotiations. Furthermore, in May 1993, The Conservative Party and 20 other right wing groups came together and formed the Afrikaner People's Front in Pretoria. It was formed to articulate the interest of right-wing groups such as the establishment of an Afrikaner Volkstaat (Afrikaner people state) and promoting unity among the various right wing groups. Besides Former South African military and police commanders met to form a 'Committee of Generals' to resist Pretoria's handover to majority Black rule.

In spite of the rise of the extremist right wings and the increased threat, the efforts towards negotiations and peace proved to be successful. On 7 May 1993, twenty-three of the twenty-six parties involved in the Multi-Party Talks at the World Trade Centre, adopted a Declaration of Intent on the setting of an election date for a transitional government. Moreover on 13 May, the South African government granted diplomatic immunity and privileges to about 100 UN, Commonwealth, European Community and OAU observers through a proclamation in the Government Gazette.

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On their turn, on June 1993, Nelson Mandela and IFP leader Buthelezi met and pledged to work together. The PAC agreed in principle to halt hostilities. Consequently, on 1 June 1993, In working towards an interim government, the Negotiating Council, at a meeting in Kempton Park, Johannesburg, agreed that sufficient progress had been made to enable it to agree on 27 April 1994 as the date for South Africa's first ever non-racial elections. The Council instructed the Technical Committee on Constitutional Matters to outline a transitional charter that would guide to the planning and approval of a final, democratic constitution by an elected Constitutional Assembly. But on 15 June, The Concerned South African Group stormed out of Multi-Party Talks held at Kempton Park.

To solve the issue, on 17 June 1993, the government and the ANC made concessions, allowing COSAG to return to the talks. Yet, on 25 June 1993, the extremist right wing Afrikaner Weerstandsbeweging interrupted the negotiations when they stormed the World Trade Centre in an armoured vehicle, breaking the glass front of the building. Afrikaner right wing groups were opposed to the negotiation and transition process. Nevertheless, in July 1993, July, Key points of the interim constitution had been outlined. A constitutional compromise was agreed on a Multi-Party Talks⁴¹. On 8 October 1993, the UN General Assembly requested States to terminate prohibition or restriction on economic relations with South Africa immediately, and to terminate the oil embargo against South Africa when the Transitional Executive Council in South Africa became operational. Moreover on 15 October, President F.W. de Klerk and Nelson Mandela were jointly awarded the Nobel Peace Prize.

Within those circumstances, on 27 October 1993, The State Presidents Office assented to the Transitional Executive Council Act No. 151 which would establish the Transitional Executive Council whose main purpose was to ensure free and fair elections. Besides on 18 November, leaders of 20 political parties at the Multi-Party Negotiating Process endorsed an interim constitution and an electoral bill. Hereafter, the Transitional Executive Council would oversee the run-up to the democratic elections. On the other hand, on 28 November, The Afrikaner

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Broederbond adopted a new constitution, which would allow women and all race groups as members, as long as they all speak Afrikaans. It would in future be known as the Afrikanerbond. One month later, On 9 December 1993, The UN Electoral Assistance Unit sent a "Needs Assessment Team" to South Africa. Moreover, on 15 December, the South African Parliament voted to restore citizenship to residents of so-called independent states of Transkei, Bophuthatswana, Venda and Ciskei, estimated to be about 10 million people.

In January 1994, the country installed a ten thousand National Peacekeeping Force. On the other hand, in its closing steps towards the elections, the ANC held a National Conference on Reconstruction and Strategy at the Nasrec Centre in Johannesburg to discuss the sixth draft of the Reconstruction and Development Programme (RDP). The ANC, COSATU, SACP, organisations of the Patriotic Front and aligned organisations attended the Summit.

Moreover, the Constitution of the Republic of South Africa Act No 200 was passed. In a famous speech, on 2 February 1994, President F.W. de Klerk announced that South Africa's first non-racial democratic elections would be held on 26-28 April. In consequence, the political change in South Africa was not far.

3- The First Democratic Elections of 1994 and Nelson Mandela's Presidency (1994-1999):

The 26-29 April 1994 elections were to become the historic result of a planned negotiation between the two key political actors in South Africa. On the one hand, is the ANC as the dominant force among the black majority and the embodiment of their aspiration for national liberation. On the other hand, the National Party, the historic party of Afrikaner minority nationalism, in power since 1948, responsible for turning apartheid into a doctrine.⁴³

South Africa was to become a non-racial democracy, subject to number of restrictions, for instance, that during the five year transition period in which the new National Assembly would draft a final constitution a coalition

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government representing all the parties would hold office. Therefore, the Government of National Unity comprised not only the ANC, but also the NP, and the Inkatha Freedom Party.

There was, still, one final stage in the transition to democracy where the masses played a decisive role. The 1992-1993 political shift put the ANC and the NP together, and left the IFP relatively isolated “.....although there was plenty of evidence of security force complicity in the violence that continued to rage in the townships and squatter camps of Natal and the East Rand almost up to Election Day itself”. Inkatha's leader, Chief Buthelezi, who was also Chief Minister of the KwaZulu Homeland, guided his party in with various other political forces threatened by the end of apartheid. On the other hand, the heated black response to Hani's elimination terrified many whites, and rallied jointly right wing rivals of de Klerk's rule in the Afrikaner Volksfront (AVF), under the control of General Constand Viljoen, ex-Chief of the South African Defence Force (SADF).

The Freedom Alliance and African ultra-conservatives, at this instant, took form. Aside from the Afrikaner Volksfront and the IFP, the chief founders of the Freedom Alliance were the leaders of the Ciskei and Bophuthatswana Bantustans. Joined to Buthelezi's control of KwaZulu and of parts of Natal, this gave the opponents of the agreement an extensive territorial grip, and therefore the capacity substantially to disrupt the elections,. Viljoen claimed to be training up a frightening military power, and could surely count upon plenty of compassion from the SADF.

The ANC responded by offering Viljoen, Buthelezi and their allies significant constitutional concessions in clever response to the eminent threat, and the escalation of violence.

Two popular newspapers including The Johannesburg Weekly Mail and Guardian mentioned that these events worked to de Klerk's profit. “For the first time the NP will be able to claim some "victories" at the negotiating table,” the newspaper commented.⁴⁴ It was hard to say how far this surrender to right wing blackmail would have gone had not the masses intervened.

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By March 1994, student demonstrators and important workers' strikes turned Bophuthatswana into a dead area. Moreover, the police started rebellion and joined the uprising. As a consequence the Homeland's president, Lucas Mangope, appealed to his Freedom Alliance partner, Viljoen, for help. The response was the sending of thousands of AVF members to Bophuthatswana. However, against the hopes of Viljoen and Mangope what had been intended as a disciplined military operation collapsed into chaos as the far right wing Afrikaner Weerstandsbeweging (AWB) joined them. They also discovered they were in the wrong era. The "glory days" of the Boers were over.

Bophuthatswana refused to supply the AVF with the weapons even if Mangope wanted to. The AWB and the AVF force were convinced to pull out of the Homeland of Bophuthatswana. As a matter of fact, they drove in groups throughout its capital, Mmabatho; they fired randomly at people in the streets. That day the world saw on television their last moments, as the fascists begged ineffectually for their lives.

The consequences were enormous to the Bophuthatswana rising's effects. Mangope's image collapsed, and Bophuthatswana was reinvolved into South Africa⁴⁵, and Gqozo of Ciskei Bantustan had endured the same destiny. Another consequence was Buthelezi found himself isolated; then unwillingly decided to end his boycott a week before the elections.

During these events, the ANC led propaganda for the 1994 Elections with a programme entitled: *1994 National Election Manifesto which included several sections to suit its objectives*; the programme would apply once in office. It also detailed the history of the ANC resistance of 80 several decades since its foundation in 1912 up to 1994.

It insisted on the fact that the ANC programme reflected years of people's struggles and its aspirations. Moreover, it further explained that the ANC plan was clear: a democratic society based on equality, non-racialism and non-sexism besides a nation built by developing its different cultures, beliefs and languages as a source of common strength. On 15 March 1994, the ANC manifesto was made public.

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The ANC also campaigned on the Reconstruction and Development Programme based on a number of specific strategic objectives to advance both 'social upliftment' and 'economic development' over the following five years. First, it emphasized on the building of over a million houses. Second, it urged for the creation of more than 300,000 jobs a year excluding farming. Third, it promised to reorganize thirty percent of rural land. It also provided to guarantee drinking water for the 12 million people. Fourth it promised the availability of adequate sanitation for all the people who lived with it. Fifth, it urged for the accessibility of electricity to black schools, clinics, and homes. In the same context, it promised to redress the access to telephone lines - one line for 100 blacks, 60 for 100 whites. Finally, it emphasized on the compulsory schooling of ten first years of a child's studies.⁴⁶

However, violence did not stop during the electoral campaign in South Africa and proved hard to be overcome. Indeed, on 28 March, violent clashes occurred between Zulu IFP supporters protesting against the forthcoming April general election and the ANC's security guards outside Shell House, the ANC headquarters. As a result, on 31 March 1994, President F.W. de Klerk declared a state of emergency in Natal, in the expectation of crushing the violence and guaranteeing a peaceful voting in April. On his turn, Nelson Mandela called on ANC members to co-operate with security forces. Moreover, on 21 April, two days after the IFP agreed to participate in South Africa's first non-racial elections, security officials and independent monitoring groups reported that political violence had dropped dramatically in the country. On 23 April, the government, the ANC and the Freedom Front signed an agreement establishing a framework for a separate state for Whites but the AWB rejected the agreement⁴⁷. Accordingly, violence reemerged, and a car explosion occurred in Johannesburg killing at least nine people and leaving many injured people. It was later known that it was a bomb at the headquarters of the ANC.

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Nevertheless, the dream became true and the first democratic general elections took place between 26 and 29 April 1994 in South Africa after decades of racial injustice and white domination. Indeed, The African National Congress won 62.65% of the vote (see table 1). The National Party 20.39%, Inkatha Freedom Party 10.54%, Freedom Front 2.2%, Democratic Party 1.7%, Pan Africanist Congress 1.2% and the African Christian Democratic Party 0.5.(See table 4 page 130)

Table 4: Results of the Elections of 26-29 April 1994

Party	Percentage of Vote	Seats
African National Congress	62.50	252
National Party	20.39	82
Inkatha Freedom Party	10.54	43
Freedom Front	2.17	9
Democratic Party	1.73	7
Pan-Africanist Party	1.25	5
African Christian Democratic Party	0.45	2

Source: A. Reynolds, *Elections '94 South Africa*, London, Macmillan LTD, 1994, p. 130.

Finally, the ANC affirmed a popular consent from its overwhelming electoral victory. Thanks to this victory, not only did it have a huge majority in the National Assembly, but it also controlled seven of the nine provincial governments set up under the new constitution. On 2 May 1994, the new elected President of South Africa addressed the nation⁴⁸. He was proud of his triumph and of his people commitment to realize their dream that came true on that day. He praised the sufferings and the sacrifices of those who believed in a new era in South Africa and

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stood against violence and intimidations to end up for once and all apartheid that had characterised South Africa since 1948. Mandela focused on democracy and urged the mass media to ensure that new born in South Africa to pave the way for its development and promotion throughout the coming years. He pledged himself to apply all what he had put in his electoral campaign as promises to all South African people equally. He insisted that he would his best to offer the basic needs for all the South African people who were deprived of them for decades namely housing, jobs, education, introduction of electricity and many other supplies. He assured the White that they would not be in a disadvantage situation quite the opposite they would be secured and safe and asked not to worry about the changes that would occur in South Africa for they would all benefit of its advantages. He said:

This is for all South Africans, an unforgettable occasion. It is the realisation of hopes and dreams that we have cherished over decades. It is the beginning of a new era. We have moved from an era of pessimism, division, limited opportunities, turmoil and conflict. We are starting a new era of hope, reconciliation and nation building. We sincerely hope that by the mere casting of a vote the results will give hope to all South Africans and make all South Africans realise this is our country. We are one nation..... We are concerned about giving confidence and security to those who are worried that by these changes they are now going to be in a disadvantaged position.....I have fought very firmly against white domination. I have fought very firmly against black domination. I cherish the idea of a new South Africa where all South Africans are equal and work together to bring about security, peace and democracy in our country. I sincerely hope that the mass media will use its powerful position to ensure that democracy is installed in this country. And I thank you.⁴⁹

Nelson Mandela and the ANC finally became the new legal ad democratic power of the country. On 10 May, Nelson Rolihlahla Madela was inaugurated as President of South Africa. The inaugural ceremony took place at the Union Buildings in Pretoria. It was the largest gathering of international leaders ever held in South Africa with a total of 100 000 guests attending the ceremony. The latter was broadcasted all over the country and internationally.

On 24 May, in his State of Nation Address to Parliament, Mandela announced that South Africa would become a member of the Universal Declaration

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of Human Rights and acceded to human rights conventions of the United Nations.⁵⁰ Moreover and because of the establishment of a Government of National Unity (GNU) in South Africa, the UN Security Council adopted Resolution 919(1994) cancelling the 1977 Arms Embargo and the remaining restricted measures against South Africa.

Besides, Justice Richard Goldstone called for the establishment of a "truth commission" on apartheid atrocities⁵². The South African flag was raised at the headquarters of the OAU in Addis Ababa.

On 26 May 1994, President Nelson Mandela said that in order to promote national unity he was willing to bring into government those who wish to be involved. In a meeting with PAC leader, Clarence Makwetu, President Nelson Mandela asked him to present a list of PAC members and indicate in which government structures they would wish to be involved⁵³.

In Mandela's speech to Parliament he declared that R2.5 billion will be allocated in the 1994/95 budget for the government's administration for the Reconstruction and Development Programme. His realistic economic policy was welcomed by businessmen in general. It was, indeed, a determined programme of urgent and significant demands that marked a specific link to 'Growth through Redistribution'. So far, the ANC had no right decisions because of the RDP⁵⁴. It was a decision taken by the Interim Constitution that sat a new Government of National Unity. The restrictions were, therefore, subject to negotiations with the representatives of the National Party.⁵⁵

The NP had been surprisingly triumphant in winning one in five votes, and had managed to enlarge its voters' list by involving some blacks (notably in the Western Cape, where the Nationalists cynically played on Coloured fears of African domination to win control of the province). And so de Klerk was appointed Second Deputy President, while close members to de Klerk held key cabinet posts.

However, the ANC leaders were far from being satisfied by the strategy they had implemented. As a matter of fact, Mandela, Slovo and their comrades had

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worked hard to re-establish confidence to their followers for a durable political trust. Their efforts were rewarded with success. This procedure of reassurance continued once the elections were over. The new government had to show its dependability in actions. Mandela has stressed the need to re-establish big production confidence and catch the attention of foreign investment.

But the 1995 first full budget of the government showed how far the ANC had gone in accepting free market economics⁵⁶. It was mainly thanks to the elimination of a range of apartheid era restrictions of the export of capital, notably the financial rand, the budget was designed especially with foreign investors in mind. The Weekly Mail commented, "That the focus of the Budget is the deficit before borrowing rather than a wealth tax, or some other unspeakable horror, speaks volumes about the newfound conservatism of the ANC members of the government of national unity."⁵⁷

As a matter of fact, the Defence budget was reduced from 8.7 percent to 7.2 percent, while housing's rose from just over 1 percent to nearly 3 percent. According to the Weekly Mail reporting that: "... in both health and education, formulae were devised to move the money around - but in some areas, rigid application of the formulae might lead to hardship, such as Gauteng [the PWV region] and the Western Cape".⁵⁸ Constant with his procedure of placing trustworthy representatives in significant economic posts, Mandela appointed Joe Slovo, Minister of Housing. Soon after he had taken office the Financial Times reported: "Mr Slovo believes that 50,000 houses can be erected this year, rising to 125,000 in 1995, 175,000 in the following year and 225,000 in 1997."⁵⁹

Minister Slovo had to reach those goals because the black South Africans would judge the ANC at the next election. The emerging lack of housing in the PWV region was due to the fact that a thousand of people had established new squatting areas in the years before the 1994 election. But Minister Slovo made it clear that 'by outsiders who do not have the best exploitation interests of [the squatters] at heart'.⁶⁰

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A real public house building plan would have been a genuine step towards attaining the Revolutionary Alliance's apparent objective of Growth through Redistribution⁶¹. Not only would it have begun to meet the popular demand for housing (estimated at 1 million in PWV alone) but would have made new jobs in the construction sector⁶². By October 1995, the State funded 10,600 houses had been built that year, compared to Slovo's target of 125,000⁶³.

On the other hand, there were indeed hard issues confronting the ANC led Government of National Unity. Some reflected the political inheritance of apartheid, of these the most serious was Inkatha. In fact, the IFP pressed for a legitimate rank for KwaZulu/Natal i.e. a self-governing area, defying the commonly elected National Assembly's right to resolve the political expectations of South Africa as a whole. Mandela responded to the IFP's dangerous threats with harsh talk, but held back from any decisive action⁶⁴.

Against all expectations, armed "loyals" from the IFP and the ANC, were confronted in the townships and villages of KwaZulu/Natal. In the first ten months of 1995 over 2,000 people died in political violence in the province, which the Human Rights Commission described as being in 'a situation of near anarchy'.⁶⁵ Half a million refugees fled from their homes to escape the killing. The worst bloodshed seemed to be concentrated in the Port Shepstone area, on Natal's south coast. "Before the elections, my family was alive. Now they are dead", Kipha Nyawosa told the Weekly Mail in September 1995⁶⁶. "I don't feel this new South Africa we got last April."⁶⁷

The KwaZulu/Natal massacre raised the matter of the degree to which the ANC could rely on the devotion of the security forces it had inherited from the old NP regime⁶⁸.

It was therefore easy to imagine the ANC in the future, faced with mass discontent because of the absence of real social and economic change, playing

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on the rhetoric of black empowerment, and presenting mass impoverishment as essentially a racial issue to which the solution would be the replacement of white by African capitalists⁶⁹. Should it not do so, then there were other political organisations rooted in the traditions of black exclusivism, above all the PAC, who would be quick to play this card. It was often argued that the pressures on the ANC would cause it to split at some phase⁷⁰.

An essential ingredient in the ANC's success had been its ability to contain often quite diverse tendencies within the same movement. This had allowed it to tack and turn as the political wind changes⁷¹. This was likely to continue to be the case in office. The ANC general secretary Cyril Ramaphosa made a well-publicised attack in July 1995 on 'monopolies' like Anglo-American, declaring, "The ANC is committed to breaking the stranglehold these companies have, and ultimately the government will have to act."⁷²

The government's determined economic and social plans were hold back by the need to solve various institutional problems. There were also attacks on Black people by White right wing extremists but the security forces backed the situation to normal and their "supremacy" was destroyed⁷³.

Negotiations over the final constitution proved complex with the National Party and the Democratic Alliance (DA) urging for a federal order, but the IFP demanding a political sovereignty for KwaZulu-Natal.

As a matter of fact, A National Council of Provinces replaced the Senate and the Government of National Unity was removed. The first version draft passed by Parliament on 8 May 1996 was jointly rejected by the Constitutional Court because the content was not fit to the thirty four principles of the 1993 interim constitution. Consequently; it was referred back to Parliament. Renewed power struggle arose over the problem of federalism and the IFP argued for greater powers

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for traditional leaders, especially in local government, but it had no support from the other parties.

The final draft of the constitution was adopted by an overwhelming majority, and it was collectively certified by the Constitutional Court on 4 December 1996.

By 1997, as a result of a shift of the ANC to a governing Party, and the reconciliation of opposition parties to the finality of the new constitutional order, there were fears of politics under an ANC government which shifted power from the NP to the ANC.

From one hand, the public organisations that had played a key role in the resistance against the apartheid regime and their leaders were reallocated into public office. Nevertheless, as an exception to the rule, COSATU had become an important power mostly when its membership had grown from 1.3 to 1.8 million affiliates between 1994 and 1999. On the other hand, in reaction to the the economic policy, the Tripart Alliance including the South African Communist Party became progressively more critical of the content of government policy.

In June 1999, South Africa led its second national elections in which the ANC improved its vote from 63% in 1994 to 66%, while the opposition became enormously fragmented. Indeed, in 1994 seven parties had shared 148 seats, and in 1999, eleven parties shared 134 seats⁷⁴.

The share of the NP which became the New National Party (NNP) declined sharply from 20% to under 7% and the IFP less so from 10.5% to 8.6%. The DP on the other hand rose from 1.7% to 9.6%. The IFP lost complete control over the KwaZulu-Natal administration and its coalition with the ANC became a necessity. The NNP similarly lost control of the Western Cape ANC, as and was forced to bring the DP in as a coalition partner. However, the most significant change after the successful democratic elections of 1999, Nelson Mandela stepped down as President of South Africa, and the National Assembly elected ANC party leader Thabo Mbeki as his successor.⁷⁵

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To conclude, Nelson Mandela's presidency was characterised by the triumphant negotiations of a new constitution. It was a start on the enormous task of restructuring the civil service and redirecting national priorities. In spite of the obstacles that hampered its achievements, the ANC and its leader succeeded to guarantee a historic political transition in South Africa. Its commitment during the difficult years of the National Party and their attempts to root out that its apartheid system from the whole country enabled the ANC to achieve its abolition and led South Africa to a new era of democracy and sovereignty.

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Notes:

1 - On 21 July 1985, President P.W. Botha appeared on South African television to announce the imposition of a partial state of emergency in South Africa. Chris Alden, *Apartheid's Last Stand*, Great Britain, Macmillan Press Ltd., 1996, p. 172.

2 - Nelson Mandela, *Long Walk to Freedom*, London, 1994, pp. 624-627.

3 - F. W. De Klerk, "Inaugural Address," *Cape Argus*, Late Edition, September 20, 1989, p.8.

4 - F. W. De Klerk, "Address to Parliament," February 2, 1990. Reprinted in Willem De Klerk, *F. W. De Klerk? The Man and His Time, Parklands, South Africa*, Jonathon Ball, 1991. pp. 43–46.

5 - Nelson Mandela, *Address to Rally in Cape Town on His Release from Prison*, February 11, 1990.

<http://www.anc.org.za/ancdocs/history/mandela/1990/release.html>, accessed September 2015.

6 - A. Sparks, *Tomorrow is Another Country, The Inside Story of South African's Road to Change*, New York, Hill and Wang LTD, 1995, p.100.

7 - Ibid., p. 110.

8- The full speech is available at:

<http://www.sahistory.org.za/pages/chronology/general/1900s.html> ,(accessed 10 Mar 2010).

9- Inkatha is a Zulu ethnic nationalist organization founded in 1975 by Chief Mangosuthu Buthelezi. Based on an earlier Zulu cultural group from the 1920s, it became the Inkatha Freedom Party (IFP) in 1990.

10 - Resolution of May 4, 1990 in which the African National Congress (ANC) and the South African government agreed to political negotiations and an end to armed struggle.

11-The full speech is available at:

<http://www.anc.org.za/ancdocs/history/transition/record.html>

12- Willem De Klerk, "The Process of Political Negotiation: 1990–1993," in *Birth of a Constitution*, Bertus De Villiers, Capetown: Juta & Co., 1994, pp. 1–11.

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13 - Ibid., pp. 1-11.

14 - Leonard Thompson, *A History of South Africa*, New Haven: Yale University Press, 1995, p.144.

15 - Ibid, p. 184.

¹⁶ - Willem De Klerk, "The Process of Political Negotiation: 1990–1993," in *Birth of a Constitution*, ed. Bertus De Villiers, Capetown: Juta & Co., 1994, pp. 1–11.

17- Steven Friedman, *The Long Journey: South Africa's Quest for a Negotiated Settlement*, Johannesburg: Ravan Press, 1993, p. 124.

18 - Op.cit., pp. 1-11.

19 - Peter Gastrow, *Bargaining for Peace: South Africa and the National Peace Accord*, Washington, D.C.: U.S. Institute of Peace Press, 1995, pp. 114–54.

20-Ibid.

Strauss, A, "The 1992 Referendum in South Africa", *Journal of Modern African Studies*, June 1993, Vol. 31, No.2, pp. 339-360.

21- Ibid, pp. 339-360.

22 - Beck, R.B, *The History of South Africa*, US, Greenwood Press, 2000, p.186

23-Ibid.

24 - Louw, P.E, *The Rise, Fall, and Legacy of Apartheid*, US, Praeger Publishers, 2004, p.166.

25 - Beck, R.B, *The History of South Africa*, op.cit., p. 189.

26- Louw, P.E, *The Rise, Fall, and Legacy of Apartheid*, op.cit., p.169.

27- Ibid., p. 170.

28- Meredith, M, *Nelson Mandela: A Biography*, New York, Little and Brown LTD, 1997, p.456.

29 - Interview in *Death of Apartheid* (BBC-TV, 1995), Part 2.

30- Kader Asmal, *Victims, Survivors and Citizens—Human Rights, Reparations, and Reconciliation* (Bellville: University of Western Cape, 1992, p. 98.

31 - Ibid., p. 103.

32- J. Cronin, 'The Boat, the Tap and the Leipzig Way', *African Communist*, 3rd Quarter, 1992.

33 - Interview, *Death of Apartheid*, op.cit, Part 2

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34 - J. Slovo, 'Negotiations: What Room for Compromise?', *African Communist*, 3rd Quarter, 1992.

35 - Chris, Alden, *Apartheid's Last Stand*, United Kingdom, Macmillan Press LTD, p. 265.

36 - <http://www.anc.org.za/ancdocs/history/transition/record.html>.

37 - William, Beinart, *Twentieth-century South Africa*, UK, Oxford University Press, 2001, p.109 .

38 - Ibid., p. 200.

39- A ., Jeeves, "Assessing a Decade of Democracy in Southern Africa", *Canadian Journal of African Studies / Revue Canadienne des Études Africaines*, 2004, Vol.38 N.3, pp.505-520,

40- William, Beinart, *Twentieth-century South Africa*, op.cit., p. 200.

41¹ Kader Asmal, *Victims, Survivors and Citizens—Human Rights, Reparations, and Reconciliation*, op.cit., p. 110.

42-F. W. De Klerk, *The Last Trek—A New Beginning: The Autobiography*, New York, Collier-MacMillan, 1998, p. 105.

43 - Alex, Callinicos, *South Africa between Reform and Revolution* , London, Macmillan Press Ltd, 1998, p. 206.

44 – Ibid.

45 - This process could, however, easily have gone awry. Mac Maharaj, the ANC leader sent as part of a team representing the Transitional Executive Council to Bophuthatswana, has described how he had personally to intervene to block efforts by General Georg Meiring, chief of the SADF, in collaboration with Viljoen and de Klerk, to keep Mangope in office: see A. Sparks, *Tomorrow*, op cit, pp 214-219.

46 - Nelson Mandela, *Long Walk to Freedom: The Autobiography of Nelson Mandela*, New York, Little, Brown, 1994, p. 156.

47 - Ibid., p.160.

48- Nelson Mandela, *President Address to the Nation*, South Africa, Pretoria, 2 May 1994.

49 - Ibid.

50 - Nelson Mandela, *State of Nation Address to Parliament*, South Africa, Pretoria, 24 May 1994.

51 - United Nations Security Council, *Resolution 919*, New York, 1994.

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52-An important milestone, the agreement also created the Goldstone Commission, a body authorized to investigate the scope and causes of apartheid violence. See Peter Gastrow, *Bargaining for Peace: South Africa and the National Peace Accord*, Washington, D.C.: U.S. Institute of Peace Press, 1995, pp114–54.

53 -Ibid., 114-51.

⁵⁴- This entire issue of Transformation is devoted to the 'Recommendations on Post-Apartheid Economic Policy' embodying the Growth through Redistribution strategy drawn up at a workshop in Harare. The analysis underlying this approach is developed much further in S. Gelb (ed), *South Africa's Economic Crisis*, South Africa, Cape Town, 1991, p.200.

55-Mervyn, Bennum, "Understanding the Nightmare: Politics and Violence in South Africa," in *Negotiating Justice: A New Constitution for South Africa*, (Exeter: University of Exeter Press,1995, pp.26–61.

56 - Peter Gastrow, *Bargaining for Peace: South Africa and the National Peace Accord*, op.cit., p.114-51

57 - Ibid., p. 114-51.

58-- Steven Friedman, *The Long Journey: South Africa's Quest for a Negotiated Settlement* , op.cit., p. 154.

59 - Ibid., p. 157.

60 - Ingrid Woolard, "The Extent of Poverty and Inequality," in *Creating Action Space: The Challenge of Poverty and Democracy in South Africa*, ed. Conrad Barberton , Cape Town:David Philip Publishers,1998, pp.13–39.

61 - Ibid., p. 30.

62 - N, Natrass, "Two Nations"? Race and Economic Inequality in South Africa Today", *Daedalus*, 2001, Vol. 130, N.1, pp. 45-70.

63- Ibid., p. 139.

64 - M. Shaw, & F. Gastrow, "Stealing the Show? Crime and Its Impact in Post-Apartheid South Africa", *Daedalus*, 2001, Vol.130, N.1, pp. 235-258.

65 - Ibid., pp. 235-258.

66 - N, Natrass, "Two Nations"? Race and Economic Inequality in South Africa Today", *Daedalus*, op.cit., pp.45-70

CHAPTER FOUR: The Political Transition in South Africa and the First Black Ruling Government

67 - Ibid., 45-70.

⁶⁸ - M. Shaw, & F. Gastrow , "Stealing the Show? Crime and Its Impact in Post-Apartheid South Africa", *Daedalus*, op.cit., pp. 235-258.

69-Ibid.

70 - D. Innes, *Anglo-American and the Rise of Modern South Africa* ,London, Oxford University Press, 1994, p203.

71- Ibid., p. 106.

72- A Erwin, 'The Question of Unity in the Struggle', *South African Labour Bulletin*, September 1995, Vol.11, N.1, pp 60- 70.

73- A Erwin, 'The Question of Unity in the Struggle', *South African Labour Bulletin*, September 1995, Vol.11, N.1, pp 60- 70.

74- B, Freund, & V,Padayachee, V 1998 "Post-Apartheid South Africa: The Key Patterns Emerge", *Economic and Political Weekly*, May 1998, Vol. N. 33, pp.1173-1180.

75- Ibid., pp.1173-1180.

Conclusion

Conclusion

Broadly speaking, Black resistance in South Africa is one of the historical issues that has attracted much attention than the other non-Whites' struggle. This fact is concretely demonstrated by the militancy of the African National Congress Party that lasted for decades mainly before and after the implementation of the apartheid policy.

The African National Congress was founded in 1912 soon after the establishment of the Union of South Africa in 1910. The latter paved the way to the enactment of an official racial segregative system that guaranteed the rights of the white minority and oppressed the other non-white races. In this gloomy atmosphere, the ANC decided to defend the Blacks' rights.

The ANC resistance went through four historic stages .The first was characterized by the introduction of a notion of superiority with the coming of the early settlers. Indeed, the feeling of supremacy among the White colonists impacted negatively on the Blacks' existence, for they were considered inferior and could not share the same "rights" as the whites.

However, the same period witnessed the spread of the missionary schools in the area. The missionaries were agents of imperialism, but they were also a direct source for an educational awareness. In fact, many Blacks became teachers and priests and their eagerness for more knowledge helped them to become more conscious about their reality .The introduction of the press was also of a great importance. Not only did it pave the way to the educated Blacks to express their political views, but it also enabled them to be in direct contact with all the blacks.

Nevertheless, the political situation of the country worsened because of the Union of South Africa. The whites seized lands and segregated the Blacks to owe them; consequently, they became part of a country that was no longer theirs.

Conclusion

For all these reasons, the African National Congress was founded. Its leaders wanted to attract the attention of the white government through political actions based on petitions, discussions and dialogues addressed to the consecutive white governments. Nevertheless, the efforts of the ANC leaders were unsuccessful, for they were ignored by the same governments.

The second phase was marked by militant actions against the National Party and its apartheid policy. Indeed, in 1948 the National Party introduced the apartheid doctrine. Racial discrimination had already existed, yet the NP officially classified the races and obliged them to live in their designated areas. The Blacks became inhabitants of the homelands instead of South Africa. On a parallel scale, their daily lives worsened. They were compelled to go to the far reserved areas for work. The ANC took part in the organization of protests, boycotts, and strikes that rocked the stability of the white ruling governments. The ANC united its efforts with the African trade unions which were a success. The National Party, of course, intensified pressure on the African political leaders through persecution, and imprisonment.

It was only at this point that the ANC moved from a militancy struggle to a military one. It was a turning point in the resistance of the party, for it opted for the armed struggle in order to free South Africa and all the non-whites from a shattered destiny. As a matter of fact, the ANC formed the armed wing and named it Umkhonto We Sizwe, popularly known as MK.

MK was the only issue for the bloody events that shook not only the people, but also the political stability of the country. However, it is very important to mention that because of persecution during riots, Sharpeville and Soweto massacres that the country witnessed the beginning of sabotage. The NP government arrested the agitators and their leaders. The Rivonia trial took place, and this was the turning point in the history of the country. It was a concrete example of the NP abusive rule, for the accused non-Whites were unlawfully linked to Communism.

The verdict of the law court was harsh; a 27 years' imprisonment for all the accused whether Blacks, Asians or Coloureds. Once in prison, the political detainees were determined to continue their combat. In the reserves, the attitude

Conclusion

was the same ; the people were ready to further their efforts for a better South Africa.

The NP government began to face opposing views from its members; some were determined to stay on the same principles; others were convinced that it was high time for a gradual change. Reforms were introduced, laws were abolished and commissions were set. The most important decision of the NP was the beginning of the process of negotiations.

The transition to the first black ruling party is the last significant stage in the political process of the African National Party. Indeed, the presidency of de Klerk allowed the conduct of the first democratic elections in which all the races could participate .Unsurprisingly, the ANC won the elections in 1994, and the historical figure Nelson Rolihlahla Mandela became the first President of the Republic South Africa.

What can be concluded is that the political transition in South Africa was the objective and the aim of the ANC battle for decades. It was the dream of the oppressed Black majority that endured inhumane treatment under the white minority domination. The path to power was one of the most difficult and bloodiest ever in the second half of the twentieth century, yet the first step towards liberation.

The African National Congress was an anti – apartheid party that resisted all forms of oppression because of the unfair implementation of racial discrimination in the African society .It continuously opposed the White system for the recognition of the Blacks ‘civil status .The Party achieved its goal when its struggle became a symbol of resistance and recognized by the world .The African National Congress is a unique party , for it did not fight to end a colonial era but to end the racial discrimination ideology.

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APPENDIX I:

THE UNION OF SOUTH AFRICA SOUTH AFRICA ACT, 1909

This Act was passed through both Houses of the Imperial Parliament exactly as it was forwarded after the South African Convention was held. It was assented to by King Edward VII. on 20th September 1909; and a Royal Proclamation of the 2nd December 1909 declared the date of the establishment of Union to be the 31st May 1910.

AN ACT TO CONSTITUTE THE UNION OF SOUTH AFRICA.

WHEREAS it is desirable for the welfare and future progress of South Africa that the several British Colonies therein should be united under one Government in a legislative union under the Crown of Great Britain and Ireland:

And whereas it is expedient to make provision for the union of the Colonies of the Cape of Good Hope, Natal, the Transvaal, and the Orange River Colony on terms and conditions to which they have agreed by resolution of their respective Parliaments, and to define the executive, legislative, and judicial powers to be exercised in the government of the Union:

And whereas it is expedient to make provision for the establishment of provinces with powers of legislation and administration in local matters and in such other matters as may be specially reserved for provincial legislation and administration:

And whereas it is expedient to provide for the eventual admission into the Union or transfer to the Union of such parts of South Africa as are not originally included therein:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Appendices

I. PRELIMINARY.

1. This Act may be cited as the "South Africa Act, 1909."

2. In this Act, unless it is otherwise expressed or implied, the words "the Union" shall be taken to mean the Union of South Africa as constituted under this Act, and the words "Houses of Parliament," "House of Parliament," or "Parliament," shall be taken to mean the Parliament of the Union.

3. The provisions of this Act referring to the King shall extend to His Majesty's heirs and successors in the sovereignty of the United Kingdom of Great Britain and Ireland.

II. THE UNION.

4. It shall be lawful for the King, with the advice of the Privy Council, to declare by proclamation that, on and after a day therein appointed, not being later than one year after the passing of this Act, the Colonies of the Cape of Good Hope, Natal, the Transvaal, and the Orange River Colony, hereinafter called the Colonies, shall be united in a Legislative Union under one Government under the name of the Union of South Africa. On and after the day appointed by such proclamation the Government and Parliament of the Union shall have full power and authority within the limits of the Colonies, but the King may at any time after the proclamation appoint a governor-general for the Union.

5. The provisions of this Act shall, unless it is otherwise expressed or implied, take effect on and after the day so appointed.

6. The colonies mentioned in section four shall become original provinces of the Union under the names of Cape of Good Hope, Natal, Transvaal, and Orange Free State, as the case may be. The original provinces shall have the same limits as the respective colonies at the establishment of the Union.

7. Upon any colony entering the Union, the Colonial Boundaries Act, 1895, and every other Act applying to any of the Colonies, as being self-governing colonies or colonies with responsible government, shall cease to apply to that colony, but as from the date when this Act takes effect every such Act of Parliament shall apply to the Union.

III. EXECUTIVE GOVERNMENT.

Appendices

8. The Executive Government of the Union is vested in the King, and shall be administered by His Majesty in person or by a governor-general as His representative.

9. The Governor-General shall be appointed by the King, and shall have and may exercise in the Union during the King's pleasure, but subject to this Act, such powers and functions of the King as His Majesty may be pleased to assign to him.

10. There shall be payable to the King out of the Consolidated Revenue Fund of the Union for the salary of the Governor-General an annual sum of ten thousand pounds. The salary of the Governor-General shall not be altered during his continuance in office.

11. The provisions of this Act relating to the Governor-General extend and apply to the Governor-General for the time being or such person as the King may appoint to administer the government of the Union. The King may authorise the Governor-General to appoint any person to be his deputy within the Union during his temporary absence, and in that capacity to exercise for and on behalf of the Governor-General during such absence all such powers and authorities vested in the Governor-General as the Governor-General may assign to him, subject to any limitations expressed or directions given by the King; but the appointment of such deputy shall not affect the exercise by the Governor-General himself of any power or function.

12. There shall be an Executive Council to advise the Governor-General in the Government of the Union, and the members of the council shall be chosen and summoned by the Governor-General and sworn as executive councillors, and shall hold office during his pleasure.

13. The provisions of this Act referring to the Governor-General in Council shall be construed as referring to the Governor-General acting with the advice of the Executive Council.

14. The Governor-General may appoint officers not exceeding ten in number to administer such departments of State of the Union as the Governor-General in Council may establish; such officers shall hold office during the pleasure of the Governor-General. They shall be members of the Executive Council and shall be the King's ministers of State for the Union. After the first general election of members of the House of Assembly, as hereinafter provided, no minister shall hold office for a longer period than three months unless he is or becomes a member of either House of Parliament.

Appendices

15. The appointment and removal of all officers of the public service of the Union shall be vested in the Governor-General in Council, unless the appointment is delegated by the Governor-General in Council or by this Act or by a law of Parliament to some other authority.

16. All powers, authorities, and functions which at the establishment of the Union are in any of the Colonies vested in the Governor or in the Governor in Council, or in any authority of the Colony, shall, as far as the same continue in existence and are capable of being exercised after the establishment of the Union, be vested in the Governor-General or in the Governor-General in

Council, or in the authority exercising similar powers under the Union, as the case may be, except such powers and functions as are by this Act or may by a law of Parliament be vested in some other authority.

17. The command in chief of the naval and military forces within the Union is vested in the King or in the Governor-General as His representative.

18. Save as in section twenty-three excepted, Pretoria shall be the seat of Government of the Union.

IV. PARLIAMENT.

19. The legislative power of the Union shall be vested in the Parliament of the Union, herein called Parliament, which shall consist of the King, a Senate, and a House of Assembly.

20. The Governor-General may appoint such times for holding the sessions of Parliament as he thinks fit, and may also from time to time, by proclamation or otherwise, prorogue Parliament, and may in like manner dissolve the Senate and the House of Assembly simultaneously, or the House of Assembly alone: provided that the Senate shall not be dissolved within a period of ten years after the establishment of the Union, and provided further that the dissolution of the Senate shall not affect any senators nominated by the Governor-General in Council.

21. Parliament shall be summoned to meet not later than six months after the establishment of the Union.

22. There shall be a session of Parliament once at least in every year, so that a period of twelvemonths shall not intervene between the last sitting of Parliament in one session and its first sitting in the next session.

Appendices

23. Cape Town shall be the seat of the Legislature of the Union. Senate.

24. For ten years after the establishment of the Union the constitution of the Senate shall, in respect of the original provinces, be as follows:

(i) Eight senators shall be nominated by the Governor-General in Council, and for each original province eight senators shall be elected in the manner hereinafter provided;

(ii) The senators to be nominated by the Governor-General in Council shall hold their seats for ten years. One-half of their number shall be selected on the ground mainly of their thorough acquaintance, by reason of their official experience or otherwise, with the reasonable wants and wishes of the coloured races in South Africa. If the seat of a senator so nominated shall become vacant, the Governor-General in Council shall nominate another person to be a senator, who shall hold his seat for ten years;

(iii) After the passing of this Act, and before the day appointed for the establishment of the Union, the Governor of each of the Colonies shall summon a special sitting of both Houses of the Legislature, and the two Houses sitting together as one body and presided over by the Speaker of the Legislative Assembly shall elect eight persons to be senators for the province. Such senators shall hold their seats for ten years. If the seat of a senator so elected shall become vacant, the provincial council of the province for which such senator has been elected shall choose a person to hold the seat until the completion of the period for which the person in whose stead he is elected would have held his seat.

25. Parliament may provide for the manner in which the Senate shall be constituted after the expiration of ten years, and unless and until such provision shall have been made—

(i) the provisions of the last preceding section with regard to nominated senators shall continue to have effect;

(ii) eight senators for each province shall be elected by the members of the provincial council of such province together with the members of the House of Assembly elected for such province. Such senators shall hold their seats for ten years unless the Senate be sooner dissolved. If the seat of an elected senator shall become vacant, the members of the provincial council of the province, together with the members of the House of Assembly elected for such province, shall choose a person to hold the seat until the completion of the period for which the person in whose stead he is elected would have

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held his seat. The Governor-General in Council shall make regulations for the joint election of senators prescribed in this section.

26. The qualifications of a senator shall be as follows:

He must—

(a) be not less than thirty years of age;

(b) be qualified to be registered as a voter for the election of members of the House of Assembly in one of the provinces;

(c) have resided for five years within the limits of the Union as existing at the time when he is elected or nominated, as the case may be;

(d) be a British subject of European descent;

(e) in the case of an elected senator, be the registered owner of immovable property within the Union of the value of not less than five hundred pounds over and above any special mortgages thereon. For the purposes of this section, residence in, and property situated within, a colony before its incorporation in the Union shall be treated as residence in and property situated within the Union.

27. The Senate shall, before proceeding to the dispatch of any other business, choose a senator to be the President of the Senate, and as often as the office of President becomes vacant the Senate shall again choose a senator to be the President. The President shall cease to hold office if he ceases to be a senator. He may be removed from office by a vote of the Senate, or he may resign his office by writing under his hand addressed to the Governor-General.

28. Prior to or during any absence of the President the Senate may choose a senator to perform his duties in his absence.

29. A senator may, by writing under his hand addressed to the Governor-General, resign his seat, which thereupon shall become vacant. The Governor-General shall as soon as practicable cause steps to be taken to have the vacancy filled.

30. The presence of at least twelve senators shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

31. All questions in the Senate shall be determined by a majority of votes of senators present other than the President or the presiding senator, who shall, however, have and exercise a casting vote in the case of an equality of votes. House of Assembly.

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32. The House of Assembly shall be composed of members directly chosen by the voters of the Union in electoral divisions delimited as hereinafter provided.

33. The number of members to be elected in the original provinces at the first election and until the number is altered in accordance with the provisions of this Act shall be as follows:

Cape of Good Hope Fifty-one.

Natal Seventeen.

Transvaal Thirty-six.

Orange Free State Seventeen.

These numbers may be increased as provided in the next succeeding section, but shall not, in the case of any original province, be diminished until the total number of members of the House of Assembly in respect of the provinces herein provided for reaches one hundred and fifty, or until a period of ten years has elapsed after the establishment of the Union, whichever is the longer period.

34. The number of members to be elected in each province, as provided in section thirty-three, shall be increased from time to time as may be necessary in accordance with the following provisions:

(i) The quota of the Union shall be obtained by dividing the total number of European male adults in the Union, as ascertained at the census of nineteen hundred and four, by the total number of members of the House of Assembly as constituted at the establishment of the Union:

(ii) In nineteen hundred and eleven, and every five years thereafter, a census of the European population of the Union shall be taken for the purposes of this Act :

(iii) After any such census the number of European male adults in each province shall be compared with the number of European male adults as ascertained at the census of nineteen hundred and four, and, in the case of any province where an increase is shown, as compared with the census of nineteen hundred and four, equal to the quota of the Union or any multiple thereof, the number of members allotted to such province in the last preceding section shall be increased by an additional member or an additional number of members equal to such multiple, as the case may be:

(iv) Notwithstanding anything herein contained, no additional member shall be allotted to any province until the total number of European male adults in such province exceeds the quota of the Union multiplied by the number of members allotted to such province for the time being, and there upon additional members shall be allotted to such province in respect only of such excess :

(v) As soon as the number of members of the House of Assembly to be elected in the original provinces in accordance with the preceding subsections reaches the total of one hundred and fifty, such total shall not be

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further increased unless and until Parliament otherwise provides ;and subject to the provisions of the last preceding section the distribution of members among the provinces shall be such that the proportion between the number of members to be elected at anytime in each province and the number of European male adults in such province, as ascertained at the last preceding census, shall as far as possible be identical throughout the Union :

(vi) "Male adults" in this Act shall be taken to mean males of twenty-one years of age or upwards not being members of His Majesty's regular forces on full pay:

(vii) For the purposes of this Act the number of European male adults, as ascertained at the census of nineteen hundred and four, shall be taken to be—

For the Cape of Good Hope 167,546

For Natal 34,784

For the Transvaal 106,493

For the Orange Free State 41,014 35

35. (1) Parliament may by law prescribe the qualifications which shall be necessary to entitle persons to vote at the election of members of the House of Assembly, but no such law shall disqualify any person in the province of the Cape of Good Hope who, under the laws existing in the Colony of the Cape of Good Hope at the establishment of the Union, is or may become capable of being registered as a voter from being so registered in the province of the Cape of Good Hope by reason of his race or colour only, unless the Bill be passed by both Houses of Parliament sitting together, and at the third reading be agreed to by not less than two-thirds of the total number of members of both Houses. A Bill so passed at such joint sitting shall be taken to have been duly passed by both Houses of Parliament.

(2) No person who at the passing of any such law is registered as a voter in any province shall be removed from the register by reason only of any disqualification based on race or colour.

36. Subject to the provisions of the last preceding section, the qualifications of parliamentary voters, as existing in the several Colonies at the establishment of the Union, shall be the qualifications necessary to entitle persons in the corresponding provinces to vote for the election of members of the House of Assembly : Provided that no member of His Majesty's regular forces on full pay shall be entitled to be registered as a voter.

37. (1) Subject to the provisions of this Act, the laws in force in the Colonies at the establishment of the Union relating to elections for the more numerous Houses of Parliament in such Colonies respectively, the registration of voters, the oaths or declarations to be taken by voters, returning officers, the powers and duties of such officers, the proceedings in connection with elections, election expenses, corrupt and illegal practices, the hearing of election petitions and the proceedings incident thereto, the vacating of seats of members, and the proceedings necessary for filling such vacancies, shall, mutatis mutandis, apply to the elections in the respective provinces of members of the House of Assembly.

(2) Notwithstanding anything to the contrary in any of the said laws contained, at any general election of members of the House of Assembly, all polls shall be taken on one and the same day in all the electoral divisions

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throughout the Union, such day to be appointed by the Governor-General in Council.

38. Between the date of the passing of this Act and the date fixed for the establishment of the Union, the Governor in Council of each of the Colonies shall nominate a judge of any of the Supreme or High Courts of the Colonies, and the judges so nominated shall, upon acceptance by them respectively of such nomination, form a joint commission, without any further appointment, for the purpose of the first division of the provinces into electoral divisions. The High Commissioner for South Africa shall forthwith convene a meeting of such commission at such time and place in one of the Colonies as he shall fix and determine. At such meeting the Commissioners shall elect one of their number as chairman of such commission. They shall thereupon proceed with the discharge of their duties under this Act, and may appoint persons in any province to assist them or to act as assessors to the commission or with individual members thereof for the purpose of inquiring into matters connected with the duties of the commission. The commission may regulate their own procedure and may act by a majority of their number. All moneys required for the payment of the expenses of such commission before the establishment of the Union in any of the Colonies shall be provided by the Governor in Council of such Colony. In case of the death, resignation, or other disability of any of the Commissioners before the establishment of the Union, the Governor in Council of the Colony in respect of which

he was nominated shall forthwith nominate another judge to fill the vacancy. After the establishment of the Union the expenses of the commission shall be defrayed by the Governor-General in Council, and any vacancies shall be filled by him.

39. The commission shall divide each province into electoral divisions, each returning one member.

40. (1) For the purpose of such division as is in the last preceding section mentioned, the quota of each province shall be obtained by dividing the total number of voters in the province, as ascertained at the last registration of voters, by the number of members of the House of Assembly to be elected therein.

(2) Each province shall be divided into electoral divisions in such a manner that each such division shall, subject to the provisions of subsection

(3) of this section, contain a number of voters, as nearly as may be, equal to the quota of the province.

(4) The Commissioners shall give due consideration to—

- (a) community or diversity of interests ;
- (b) means of communication;
- (c) physical features ;
- (d) existing electoral boundaries ;
- (e) sparsity or density of population ;

in such manner that, while taking the quota of voters as the basis of division, the Commissioners may, whenever they deem it necessary, depart there from, but in no case to any greater extent than fifteen per centum more or fifteen per centum less than the quota. 41. As soon as may be after every, quinquennial census, the Governor- General in Council shall appoint a

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commission consisting of three judges of the Supreme Court of South Africa to carry out any re-division which may have become necessary as between the different electoral divisions in each province, and to provide for the allocation of the number of members to which such province may have become entitled under the provisions of this Act. In carrying out such re-division and allocation the commission shall have the same powers and proceed upon the same principles as are by this Act in regard to the original division.

42. (1) The joint commission constituted under section thirty-eight, and any subsequent commission appointed under the provisions of the last preceding section, shall submit to the Governor-General in Council—

(a) a list of electoral divisions, with the names given to them by the commission and a description of the boundaries of every such division :

(b) a map or maps showing the electoral divisions into which the provinces have been divided:

(c) such further particulars as they consider necessary.

(2) The Governor-General in Council may refer to the commission for its consideration any matter relating to such list or arising out of the powers or duties of the commission.

(3) The Governor-General in Council shall proclaim the names and boundaries of the electoral divisions as finally settled and certified by the commission, or a majority thereof, and thereafter, until there shall be a re-division, the electoral divisions as named and defined shall be the electoral divisions of the Union in the provinces.

(4) If any discrepancy shall arise between the description of the divisions and the aforesaid map or maps, the description shall prevail.

43. Any alteration in the number of members of the House of Assembly to be elected in the several provinces, and any re-division of the provinces into electoral divisions, shall, in respect of the election of members of the House of Assembly, come into operation at the next general election held after the completion of the re-division or of any allocation consequent upon such alteration, and not earlier.

44. The qualifications of a member of the House of Assembly shall be as follows : He must—

(a) be qualified to be registered as a voter for the election of members of the House of Assembly in one of the provinces ;

(b) have resided for five years within the limits of the Union as existing at the time when he is elected ;

(c) be a British subject of European descent. For the purposes of this section, residence in a colony before its incorporation in the Union shall be treated as residence in the Union.

45. Every House of Assembly shall continue for five years from the first meeting thereof, and no longer, but may be sooner dissolved by the Governor-General.

46. The House of Assembly shall, before proceeding to the despatch of any other business, choose a member to be the Speaker of the House, and, as often as the office of Speaker becomes vacant, the House shall again choose a member to be the Speaker. The Speaker shall cease to hold his office if he ceases to be a member. He may be removed from office by a

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vote of the House, or he may resign his office or his seat by writing under his hand addressed to the Governor-General.

47. Prior to or during the absence of the Speaker, the House of Assembly may choose a member to perform his duties in his absence.

48. A member may, by writing under his hand addressed to the Speaker, or, if there is no Speaker, or if the Speaker is absent from the Union, to the Governor-General, resign his seat, which shall thereupon become vacant.

49. The presence of at least thirty members of the House of Assembly shall be necessary to constitute a meeting of the House for the exercise of its powers.

50. All questions in the House of Assembly shall be determined by a majority of votes of members present other than than Speaker and exercise a casting vote in the case of an equality of votes. Both Houses of Parliament.

51. Every senator and every member of the House of Assembly shall, before taking his seat, make and subscribe before the Governor-General, or some person authorised by him, an oath or affirmation of allegiance in the following form : Oath. I, A. B., do swear that I will be faithful and bear true allegiance to His Majesty [here insert the name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being] His [or Her] heirs and successors according to law. So help me God. Affirmation. I, A. B., do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to His Majesty [here insert the name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being] His [or Her] heirs and successors according to law.

52. A member of either House of Parliament shall be incapable of being chosen or of sitting as a member of the other House: Provided that every minister of State who is a member of either House of Parliament shall have the right to sit and speak in the Senate and the House of Assembly, but shall vote only in the House of which he is a member.

53. No person shall be capable of being chosen or of sitting as a senator or as a member of the House of Assembly who—

(a) has been at anytime convicted of any crime or offence for which he shall have been sentenced to imprisonment without the option of a fine for a term of not less than twelve months, unless he shall have received a grant of amnesty or a free pardon, or unless such imprisonment shall have expired at least five years before the date of his election; or

(b) is an unrehabilitated insolvent; or

(c) is of unsound mind, and has been so declared by a competent court; or

(d) holds any office of profit under the Crown within the Union: Provided that the following persons shall not be deemed to hold an office of profit under the Crown for the purposes of this sub-section:

(1) a minister of State for the Union;

(2) a person in receipt of a pension from the Crown;

(3) an officer or member of His Majesty's naval or military forces on retired or half pay, or an officer or member of the naval or military forces of the Union whose services are not wholly employed by the Union.

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54. If a senator or member of the House of Assembly—
(a) becomes subject to any of the disabilities mentioned in the last preceding section; or
(b) ceases to be qualified as required by law; or
(c) fails for a whole ordinary session to attend without the special leave of the Senate or the House of Assembly, as the case may be; his seat shall thereupon become vacant.

55. If any person who is by law incapable of sitting as a senator or member of the House of Assembly shall, while so disqualified and knowing or having reasonable grounds for knowing that he is so disqualified, sit or vote as a member of the Senate or the House of Assembly, he shall be liable to a penalty of one hundred pounds for each day on which he shall so sit or vote, to be recovered on behalf of the Treasury of the Union by action in any Superior Court of the Union.

56. Each senator and each member of the House of Assembly shall, under such rules as shall be framed by Parliament, receive an allowance of four hundred pounds a year, to be reckoned from the date on which he takes his seat: Provided that for every day of the session on which he is absent there shall be deducted from such allowance the sum of three pounds: Provided further that no such allowance shall be paid to a Minister receiving a salary under the Crown or to the President of the Senate or the Speaker of the House of Assembly. A day of the session shall mean in respect of a member any day during a session on which the House of which he is a member or any committee of which he is a member meets.

57. The powers, privileges, and immunities of the Senate and of the House of Assembly and of the members and committees of each House shall, subject to the provisions of this Act, be such as are declared by Parliament, and until declared shall be those of the House of Assembly of the Cape of Good Hope and of its members and committees at the establishment of the Union.

58. Each House of Parliament may make rules and orders with respect to the order and conduct of its business and proceedings. Until such rules and orders shall have been made the rules and orders of the Legislative Council and House of Assembly of the Cape of Good Hope at the establishment of the Union shall mutatis mutandis apply to the Senate and House of Assembly respectively. If a joint sitting of both Houses of Parliament is required under the provisions of this Act, it shall be convened by the Governor-General by message to both Houses. At any such joint sitting the Speaker of the House of Assembly shall preside and the rules of the House of Assembly shall, as far as practicable, apply. Powers of Parliament.

59. Parliament shall have full power to make laws for the peace, order, and good government of the Union.

60. (1) Bills appropriating revenue or moneys or imposing taxation shall originate only in the House of Assembly. But a Bill shall not be taken to appropriate revenue or moneys or to impose taxation by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties.

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(2) The Senate may not amend any Bills so far as they impose taxation or appropriate revenue or moneys for the services of the Government.

(3) The Senate may not amend any Bill so as to increase any proposed charges or burden on the people.

61. Any Bill which appropriates revenue or moneys for the ordinary annual services of the Government shall deal only with such appropriation.

62. The House of Assembly shall not originate or pass any vote, resolution, address, or Bill for the appropriation of any part of the public revenue or of any tax or impost to any purpose unless such appropriation has been recommended by message from the Governor-General during the Session in which such vote, resolution, address, or Bill is proposed.

63. If the House of Assembly passes any Bill and the Senate rejects or fails to pass it or passes it with amendments to which the House of Assembly will not agree, and if the House of Assembly in the next session again passes the Bill with or without any amendments which have been made or agreed to by the Senate and the Senate rejects or fails to pass it or passes it with amendments to which the House of Assembly will not agree, the Governor-General may during that session convene a joint sitting of the members of the Senate and House of Assembly. The members present at any such joint sitting may deliberate and shall vote together upon the Bill as last proposed by the House of Assembly and upon amendments, if any, which have been made therein by one House of Parliament and not agreed to by the other; and any such amendments which are affirmed by a majority of the total number of members of the Senate and House of Assembly present at such sitting shall be taken to have been carried, and if the Bill with the amendments, if any, is affirmed by a majority of the members of the Senate and House of Assembly present at such sitting, it shall be taken to have been duly passed by both Houses of Parliament: Provided that, if the Senate shall reject or fail to pass any Bill dealing with the appropriation of revenue or moneys for the public service, such joint sitting may be convened during the same session in which the Senate so rejects or fails to pass such Bill.

64. When a Bill is presented to the Governor-General for the King's Assent, he shall declare according to his discretion, but subject to the provisions of this Act, and to such instructions as may from time to time be given in that behalf by the King, that he assents in the King's name, or that he withholds assent, or that he reserves the Bill for the signification of the King's pleasure. All Bills repealing or amending this section or any of the provisions of Chapter IV. under the heading "House of Assembly" and all Bills abolishing provincial councils or abridging the powers conferred on provincial councils under section eighty-five, otherwise than in accordance with the provisions of that section, shall be so reserved. The Governor-General may return to the House in which it originated any Bill so presented to him, and may transmit therewith any amendments which he may recommend, and the House may deal with the recommendation.

65. The King may disallow any law within one year after it has been assented to by the Governor-General, and such disallowance, on being made known by the Governor-General by speech or message to each of the

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Houses of Parliament or by proclamation, shall annul the law from the day when the disallowance is so made known.

66. A Bill reserved for the King's pleasure shall not have any force unless and until, within one year from the day on which it was presented to the Governor-General for the King's Assent, the Governor-General makes known by speech or message to each of the Houses of Parliament or by proclamation that it has received the King's Assent.

67. As soon as may be after any law shall have been assented to in the King's name by the Governor-General, or having been reserved for the King's pleasure shall have received his assent, the Clerk of the House of Assembly shall cause two fair copies of such law, one being in the English and the other in the Dutch language (one of which copies shall be signed by the Governor-General), to be enrolled of record in the office of the Registrar of the Appellate Division of the Supreme Court of South Africa; and such copies shall be conclusive evidence as to the provisions of every such law, and in case of conflict between the two copies thus deposited that signed by the Governor-General shall prevail.

V. THE PROVINCES.

Administrators.

68. (1) In each province there shall be a chief executive officer appointed by the Governor-General in Council, who shall be styled the administrator of the province, and in whose name all executive acts relating to provincial affairs therein shall be done.

(2) In the appointment of the administrator of any province, the Governor-General in Council shall, as far as practicable, give preference to persons resident in such province.

(3) Such administrator shall hold office for a term of five years and shall not be removed before the expiration thereof except by the Governor-General in Council for cause assigned, which shall be communicated by message to both Houses of Parliament within one week after the removal, if Parliament be then sitting, or, if Parliament be not sitting, then within one week after the commencement of the next ensuing session.

(4) The Governor-General in Council may from time to time appoint a deputy administrator to execute the office and functions of the administrator during his absence, illness, or other inability.

69. The salaries of the administrators shall be fixed and provided by Parliament, and shall not be reduced during their respective terms of office. Provincial Councils,

70. (1) There shall be a provincial council in each province consisting of the same number of members as are elected in the province for the House of Assembly: Provided that, in any province whose representatives in the House of Assembly shall be less than twenty-five in number, the provincial council shall consist of twenty-five members.

(2) Any person qualified to vote for the election of members of the provincial council shall be qualified to be a member of such council.

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71. (1) The members of the provincial council shall be elected by the persons qualified to vote for the election of members of the House of Assembly in the province voting in the same electoral divisions as are delimited for the election of members of the House of Assembly: provided that, in any province in which less than twenty-five are elected to the House of Assembly, the delimitation of the electoral divisions, and any necessary re-allocation of members or adjustment of electoral divisions, shall be effected by the same commission and on the same principles as are prescribed in regard to the electoral divisions for the House of Assembly.

(2) Any alteration in the number of members of the provincial council, and any re-division of the province into electoral divisions, shall come into operation at the next general election for such council held after the completion of such re-division, or of any allocation consequent upon such alteration, and not earlier.

(3) The election shall take place at such times as the administrator shall by proclamation direct, and the provisions of section thirty-seven applicable to the election of members of the House of Assembly shall *mutatis mutandis* apply to such elections.

72. The provisions of sections fifty-three, fifty-four, and fifty-five, relative to members of the House of Assembly, shall *mutatis mutandis* apply to members of the provincial councils: Provided that any member of a provincial council who shall become a member of either House of Parliament shall thereupon cease to be a member of such provincial council.

73. Each provincial council shall continue for three years from the date of its first meeting, and shall not be subject to dissolution save by effluxion of time.

74. The administrator of each province shall by proclamation fix such times for holding the sessions of the provincial council as he may think fit, and may from time to time prorogue such council : Provided that there shall be a session of every provincial council once at least in every year, so that a period of twelve months shall not intervene between the last sitting of the council in one session and its first sitting in the next session.

75. The provincial council shall elect from among its members a chairman, and may make rules for the conduct of its proceedings. Such rules shall be transmitted by the administrator to the Governor-General, and shall have full force and effect unless and until the Governor-General in council shall express his disapproval thereof in writing addressed to the administrator.

76. The members of the provincial council shall receive such allowances as shall be determined by the Governor-General in Council.

77. There shall be freedom of speech in the provincial council, and no member shall be liable to any action or proceeding in court by reason of his speech or vote in such council. Executive Committees.

78. (1) Each provincial council shall at its first meeting after any general election elect from among its members, or otherwise, four persons to form with the administrator, who shall be chairman, an executive committee for the province. The members of the executive committee other than the administrator shall hold office until the election of their successors in the same manner.

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(2) Such members shall receive such remuneration as the provincial council, with the approval of the Governor-General in Council, shall determine.

(3) A member of provincial council shall not be disqualified from sitting as a member by reason of his having been elected as a member of the executive committee.

(4) Any casual vacancy arising in the executive committee shall be filled by election by the provincial council if then in session or, if the council is not in session, by a person appointed by the executive committee to hold office temporarily pending an election by the council.

79. The administrator and any other member of the executive committee of a province, not being a member of the provincial council, shall have the right to take part in the proceedings of the council, but shall not have the right to vote.

80. The executive committee shall on behalf of the provincial council carry on the administration of provincial affairs. Until the first election of members to serve on the executive committee, such administration shall be carried on by the administrator. Whenever there are not sufficient members of the executive committee to form a quorum according to the rules of the committee, the administrator shall, as soon as practicable, convene a meeting of the provincial council for the purpose of electing members to fill the vacancies, and until such election the administrator shall carry on the administration of provincial affairs.

81. Subject to the provisions of this Act, all powers, authorities, and functions which at the establishment of the Union are in any of the Colonies vested in or exercised by the Governor or the Governor in Council, or any minister of the Colony, shall after such establishment be vested in the executive committee of the province so far as such powers, authorities, and functions relate to matters in respect of which the provincial council is competent to make ordinances.

82. Questions arising in the executive committee shall be determined by a majority of votes of the members present, and in case of an equality of votes, the administrator shall have also a casting vote. Subject to the approval of the Governor-General in Council, the executive committee may make rules for the conduct of its proceedings.

83. Subject to the provisions of any law passed by Parliament regulating the conditions of appointment, tenure of office, retirement and superannuation of public officers, the executive committee shall have power to appoint such officers as may be necessary, in addition to officers assigned to the province by the Governor-General in Council under the provisions of this Act, to carry out the services entrusted to them and to make and enforce regulations for the organization and discipline of such officers.

84. In regard to all matters in respect of which no powers are reserved or delegated to the provincial council, the administrator shall act on behalf of the Governor-General in Council when required to do so, and in such matters the administrator may act without reference to the other members of the executive committee. Powers of Provincial Councils.

85. Subject to the provisions of this Act and the assent of the Governor-General in Council as hereinafter provided, the provincial council

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may make ordinances in relation to matters coming within the following classes of subjects (that is to say):

(i) Direct taxation within the province in order to raise a revenue for provincial purposes:

(ii) The borrowing of money on the sole credit of the province with the consent of the Governor-General in Council and in accordance with regulations to be framed by Parliament:

(iii) Education, other than higher education, for a period of five years and thereafter until Parliament otherwise provides:

(iv) Agriculture to the extent and subject to the conditions to be defined by Parliament:

(v) The establishment, maintenance, and management of hospitals and charitable institutions:

(vi) Municipal institutions, divisional councils, and other local institutions of a similar nature :

(vii) Local works and undertakings within the province, other than railways and harbours and other than such works as extend beyond the borders of the province, and subject to the power of Parliament to declare any work a national work and to provide for its construction by arrangement with the provincial council or otherwise:

(viii) Roads, outspans, pons, and bridges connecting two provinces:

(ix) Markets and pounds:

(x) Fish and game preservation:

(xi) The imposition of punishment by fine, penalty, or imprisonment for enforcing any law or any ordinance of the province made in relation to any matter coming within any of the classes of subjects enumerated in this section:

(xii) Generally all matters which, in the opinion of the Governor-General in Council, are of a merely local or private nature in the province:

(xiii) All other subjects in respect of which Parliament shall by any law delegate the power of making ordinances to the provincial council.

86. Any ordinance made by a provincial council shall have effect in and for the province as long and as far only as it is not repugnant to any Act of Parliament.

87 A provincial council may recommend to Parliament the passing of any law relating to any matter in respect of which such council is not competent to make ordinances.

88. In regard to any matter which requires to be dealt with by means of a private Act of Parliament, the provincial council of the province to which the matter relates may, subject to such procedure as shall be laid down by Parliament, take evidence by means of a Select Committee or otherwise for and against the passing of such law, and, upon receipt of a report from such council, together with the evidence upon which it is founded, Parliament may pass such Act without further evidence being taken in support thereof.

89. A provincial revenue fund shall be formed in every province, into which shall be paid all revenues raised by or accruing to the provincial council and all moneys paid over by the Governor-General in Council to the provincial council. Such fund shall be appropriated by the provincial council by ordinance for the purposes of the provincial administration generally, or, in

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the case of moneys paid over by the Governor-General in Council for particular purposes, then for such purposes, but no such ordinance shall be passed by the provincial council unless the administrator shall have first recommended to the council to make provision for the specific service for which the appropriation is to be made. No money shall be issued from the provincial revenue fund except in accordance with such appropriation and under warrant signed by the administrator: Provided that, until the expiration of one month after the first meeting of the provincial council, the administrator may expend such moneys as may be necessary for the services of the province.

90. When a proposed ordinance has been passed by a provincial council it shall be presented by the administrator to the Governor-General in Council for his assent. The Governor-General in Council shall declare within one month from the presentation to him of the proposed ordinance that he assents thereto, or that he withholds assent, or that he reserves the proposed ordinance for further consideration. A proposed ordinance so reserved shall not have any force unless and until, within one year from the day on which it was presented to the Governor-General in Council, he makes known by proclamation that it has received his assent.

91. An ordinance assented to by the Governor-General in Council and promulgated by the administrator shall, subject to the provisions of this Act, have the force of law within the province. The administrator shall cause two fair copies of every such ordinance, one being in the English and the other in the Dutch language (one of which copies shall be signed by the Governor-General), to be enrolled of record in the office of the Registrar of the Appellate Division of the Supreme Court of South Africa; and such copies shall be conclusive evidence as to the provisions of such ordinance, and, in case of conflict between the two copies thus deposited, that signed by the Governor-General shall prevail. Miscellaneous.

92. (1) In each province there shall be an auditor of accounts to be appointed by the Governor-General in Council.

(2) No such auditor shall be removed from office except by the Governor-General in Council for cause assigned, which shall be communicated by message to both Houses of Parliament within one week after the removal, if Parliament be then sitting, and, if Parliament be not sitting, then within one week after the commencement of the next ensuing session.

(3) Each such auditor shall receive out of the Consolidated Revenue Fund such salary as the Governor-General in Council, with the approval of Parliament, shall determine.

(4) Each such auditor shall examine and audit the accounts of the province to which he is assigned subject to such regulations and orders as may be framed by the Governor-General in Council and approved by Parliament, and no warrant signed by the administrator authorising the issuing of money shall have effect unless countersigned by such auditor.

93. Notwithstanding anything in this Act contained, all powers, authorities, and functions lawfully exercised at the establishment of the Union by divisional or municipal councils, or any other duly constituted local

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authority, shall be and remain in force until varied or withdrawn by Parliament or by a provincial council having power in that behalf.

94. The seats of provincial government shall be :

For the Cape of Good Hope Cape Town.

For Natal Pietermaritzburg.

For the Transvaal Pretoria.

For the Orange Free State Bloemfontein.

VI. THE SUPREME COURT OF SOUTH AFRICA.

95. There shall be a Supreme Court of South Africa consisting of a Chief Justice of South Africa, the ordinary judges of appeal, and the other judges of the several divisions of the Supreme Court of South Africa in the provinces.

96. There shall be an Appellate Division of the Supreme Court of South Africa, consisting of the Chief Justice of South Africa, two ordinary judges of appeal, and two additional judges of appeal. Such additional judges of appeal shall be assigned by the Governor-General in Council to the Appellate Division from any of the provincial or local divisions of the Supreme Court of South Africa, but shall continue to perform their duties as judges of their respective divisions when their attendance is not required in the Appellate Division.

97. The Governor-General in Council may, during the absence illness, or other incapacity of the Chief Justice of South Africa, or of any ordinary or additional judge of appeal, appoint any other judge of the Supreme Court of South Africa to act temporarily as such chief justice, ordinary judge of appeal, or additional judge of appeal, as the case may be.

98. (1) The several supreme courts of the Cape of Good Hope, Natal, and the Transvaal, and the High Court of the Orange River Colony shall, on the establishment of the Union, become provincial divisions of the Supreme Court of South Africa within their respective provinces, and shall each be presided over by a judge-president.

(2) The court of the eastern districts of the Cape of Good Hope, the High Court of Griqualand, the High Court of Witwatersrand, and the several circuit courts, shall become local divisions of the Supreme Court of South Africa within the respective areas of their jurisdiction as existing at the establishment of the Union.

(3) The said provincial and local divisions, referred to in this Act as superior courts, shall, in addition to any original jurisdiction exercised by the corresponding courts of the Colonies at the establishment of the Union, have jurisdiction in all matters :

(a) in which the Government of the Union or a person suing or being sued on behalf of such Government is a party :

(b) in which the validity of any provincial ordinance shall come into question.

(4) Unless and until Parliament shall otherwise provide, the said superior courts shall, *mutatis mutandis*, have the same jurisdiction in matters affecting the validity of elections of members of the House of Assembly and provincial councils as the corresponding courts of the Colonies have at the

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establishment of the Union in regard to parliamentary elections in such Colonies respectively.

99. All judges of the supreme courts of the Colonies, including the High Court of the Orange River Colony, holding office at the establishment of the Union shall on such establishment become judges of the Supreme Court of South Africa, assigned to the divisions of the Supreme Court in the respective provinces, and shall retain all such rights in regard to salaries and pensions as they may possess at the establishment of the Union. The Chief Justices of the Colonies holding office at the establishment of the Union shall on such establishment become the Judges-President of the divisions of the Supreme Court in the respective provinces, but shall so long as they hold that office retain the title of Chief Justice of their respective provinces.

100. The Chief Justice of South Africa, the ordinary judges of appeal, and all other judges of the Supreme Court of South Africa to be appointed after the establishment of the Union shall be appointed by the Governor-General in Council, and shall receive such remuneration as Parliament shall prescribe, and their remuneration shall not be diminished during their continuance in office.

101. The Chief Justice of South Africa and other judges of the Supreme Court of South Africa shall not be removed from office except by the Governor-General in Council on an address from both Houses of Parliament in the same session praying for such removal on the ground of misbehaviour or incapacity.

102. Upon any vacancy occurring in any division of the Supreme Court of South Africa, other than the Appellate Division, the Governor-General in Council may, in case he shall consider that the number of judges of such court may with advantage to the public interest be reduced, postpone filling the vacancy until Parliament shall have determined whether such reduction shall take place.

103. In every civil case in which, according to the law in force at the establishment of the Union, an appeal might have been made to the Supreme Court of any of the Colonies from a Superior Court in any of the Colonies, or from the High Court of Southern Rhodesia, the appeal shall be made only to the Appellate Division, except in cases of orders or judgments given by a single judge, upon applications by way of motion or petition or on summons for provisional sentence or judgments as to costs only, which by law are left to the discretion of the court. The appeal from any such orders or judgments, as well as any appeal in criminal cases from any such Superior Court, or the special reference by any such court of any point of law in a criminal case, shall be made to the provincial division corresponding to the court which before the establishment of the Union would have had jurisdiction in the matter. There shall be no further appeal against any judgment given on appeal by such provincial division except to the Appellate Division, and then only if the Appellate Division shall have given special leave to appeal.

104. In every case, civil or criminal, in which at the establishment of the Union an appeal might have been made from the Supreme Court of any of the Colonies or from the High Court of the Orange River Colony to the King in Council, the appeal shall be made only to the Appellate Division: Provided that the right of appeal in any civil suit shall not be limited by reason

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only of the value of the matter in dispute or the amount claimed or awarded in such suit.

105. In every case, civil or criminal, in which at the establishment of the Union an appeal might have been made from a court of resident magistrate or other inferior court to a superior court in any of the Colonies, the appeal shall be made to the corresponding division of the Supreme Court of South Africa ; but there shall be no further appeal against any judgment given on appeal by such division except to the Appellate Division, and then only if the Appellate Division shall have given special leave to appeal.

106. There shall be no appeal from the Supreme Court of South Africa or from any division thereof to the King in Council, but nothing herein contained shall be construed to impair any right which the King in Council may be pleased to exercise to grant special leave to appeal from the Appellate Division to the King in Council. Parliament may make laws limiting the matters in respect of which such special leave may be asked, but Bills containing any such limitation shall be reserved by the Governor-General for the significance of His Majesty's pleasure: Provided that nothing in this section shall affect any right of appeal to His Majesty in Council from Court under or in virtue of the Colonial Courts of Admiralty Act, 1890. (53 & 54 Vict. c. 27.)

107. The Chief Justice of South Africa and the ordinary judges of appeal may, subject to the approval of the Governor-General in Council, make rules for the conduct of the proceedings of the Appellate Division and prescribing the time and manner of making appeals thereto. Until such rules shall have been promulgated, the rules in force in the Supreme Court of the Cape of Good Hope at the establishment of the Union shall *mutatis mutandis* apply.

108. The chief justice and other judges of the Supreme Court of South Africa may, subject to the approval of the Governor-General in Council, frame rules for the conduct of the proceedings of the several provincial and local divisions. Until such rules shall have been promulgated, the rules in force at the establishment of the Union in the respective courts which become divisions of the Supreme Court of South Africa shall continue to apply therein.

109. The Appellate Division shall sit in Bloemfontein, but may from time to time for the convenience of suitors hold its sittings at other places within the Union.

110. On the hearing of appeals from a court consisting of two or more judges, five judges of the Appellate Division shall form a quorum, but, on the hearing of appeals from a single judge, three judges of the Appellate Division shall form a quorum. No judge shall take part in the hearing of any appeal against the judgment given in a case heard before him.

111. The process of the Appellate Division shall run throughout the Union, and all its judgments or orders shall have full force and effect in every province, and shall be executed in like manner as if they were original judgments or orders of the provincial division of the Supreme Court of South Africa in such province.

112. The registrar of every provincial division of the Supreme Court of South Africa, if the retorequested by any party in whose favour any judgment

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or order has been given or made by any other division, shall, upon the deposit with him of an authenticated copy of such judgment or order and on proof that the same remains unsatisfied, issue a writ or other process for the execution of such judgment or order, and thereupon such writ or other process shall be executed in like manner as if it had been originally issued from the division of which he is registrar.

113. Any provincial or local division of the Supreme Court of South Africa to which it may be made to appear that any civil suit pending therein may be more conveniently or fitly heard or determined in another division may order the same to be removed to such other division, and thereupon such last-mentioned division may proceed with such suit in like manner as if it had been originally commenced therein.

114. The Governor-General in Council may appoint a registrar of the Appellate Division and such other officers thereof as shall be required for the proper dispatch of the business thereof.

115. (1) The laws regulating the admission of advocates and attorneys to practise before any superior court of any of the Colonies shall *mutatis mutandis* apply to the admission of advocates and attorneys to practise in the corresponding division of the Supreme Court of South Africa.

(2) All advocates and attorneys entitled at the establishment of the Union to practise in any superior court of any of the Colonies shall be entitled to practise as such in the corresponding division of the Supreme Court of South Africa.

(3) All advocates and attorneys entitled to practise before any provincial division of the Supreme Court of South Africa shall be entitled to practise before the Appellate Division.

116. All suits, civil or criminal, pending in any superior court of any of the Colonies at the establishment of the Union shall stand removed to the corresponding division of the Supreme Court of South Africa, which shall have jurisdiction to hear and determine the same, and all judgments and orders of any superior court of any of the Colonies given or made before the establishment of the Union shall have the same force and effect as if they had been given or made by the corresponding division of the Supreme Court of South Africa. All appeals to the King in Council which shall be pending at the establishment of the Union shall be proceeded with as if this Act had not been passed.

VII. FINANCE AND RAILWAYS.

117. All revenues, from whatever source arising, over which the several Colonies have at the establishment of the Union power of appropriation, shall vest in the Governor-General in Council. There shall be formed a Railway and Harbour Fund, into which shall be paid all revenues raised or received by the Governor-General in Council from the administration of the railways, ports, and harbours, and such fund shall be appropriated by Parliament to the purposes of the railways, ports, and harbours in the manner prescribed by this Act. There shall also be formed a Consolidated Revenue Fund, into which shall be paid all other revenues raised or received by the Governor-General in Council, and such fund shall

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be appropriated by Parliament for the purposes of the Union in the manner prescribed by this Act, and subject to the charges imposed thereby.

118. The Governor-General in Council shall, as soon as may be after the establishment of the Union, appoint a commission, consisting of one representative from each province, and presided over by an officer from the Imperial Service, to institute an inquiry into the financial relations which should exist between the Union and the provinces. Pending the completion of that inquiry and until Parliament otherwise provides, there shall be paid annually out of the Consolidated Revenue Fund to the administrator of each province:

(a) an amount equal to the sum provided in the estimates for education, other than higher education, in respect of the financial year, 1908-9, as voted by the Legislature of the corresponding colony during the year nineteen hundred and eight ;

(b) such further sums as the Governor-General in Council may consider necessary for the due performance of the services and duties assigned to the provinces respectively. Until such inquiry shall be completed and Parliament shall have made other provision, the executive committees in the several provinces shall annually submit estimates of their expenditure for the approval of the Governor-General in Council, and no expenditure shall be incurred by any executive committee which is not provided for in such approved estimates.

119. The annual interest of the public debts of the Colonies and any sinking funds constituted by law at the establishment of the Union shall form a first charge on the Consolidated Revenue Fund.

120. No money shall be withdrawn from the Consolidated Revenue Fund or the Railway and Harbour Fund except under appropriation made by law. But, until the expiration of two months after the first meeting of Parliament, the Governor-General in Council may draw there from and expend such moneys as may be necessary for the public service, and for railway and harbor administration respectively.

121. All stocks, cash, bankers' balances, and securities for money belonging to each of the Colonies at the establishment of the Union shall be the property of the Union: Provided that the balances of any funds raised at the establishment of the Union by law for any special purposes in any of the Colonies shall be deemed to have been appropriated by Parliament for the special purposes for which they have been provided.

122. Crown lands, public works, and all property throughout the Union, movable, or immovable, and all rights of whatever description belonging to the several Colonies at the establishment of the Union, shall vest in the Governor-General in Council subject to any debt or liability specifically charged thereon.

123. All rights in and to mines and minerals, and all rights in connection with the searching for, working for, or disposing of, minerals or precious stones, which at the establishment of the Union are vested in the Government of any of the Colonies, shall on such establishment vest in the Governor-General in Council.

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124. The Union shall assume all debts and liabilities of the Colonies existing at its establishment, subject, notwithstanding any other provision contained in this Act, to the conditions imposed by any law under which such debts or liabilities were raised or incurred, and without prejudice to any rights of security or priority in respect of the payment of principal, interest, sinking fund, and other charges conferred on the creditors of any of the Colonies, and may, subject to such conditions and rights, convert, renew, or consolidate such debts.

125. All ports, harbours, and railways belonging to the several Colonies at the establishment of the Union shall from the date thereof vest in the Governor-General in Council. No railway for the conveyance of public traffic, and no port, harbour, or similar work, shall be constructed without the sanction of Parliament.

126. Subject to the authority of the Governor-General in Council, the control and management of the railways, ports, and harbours of the Union shall be exercised through a board consisting of not more than three commissioners, who shall be appointed by the Governor-General in Council, and a minister of State, who shall be chairman. Each commissioner shall hold office for a period of five years, but may be reappointed. He shall not be removed before the expiration of his period of appointment, except by the Governor-General in Council for cause assigned, which shall be communicated by message to both Houses of Parliament within one week after the removal, if Parliament be then sitting, or, if Parliament be not sitting, then within one week after the commencement of the next ensuing session. The salaries of the commissioners shall be fixed by Parliament and shall not be reduced during their respective terms of office.

127. The railways, ports, and harbours of the Union shall be administered on business principles, due regard being had to agricultural and industrial development within the Union and promotion, by means of cheap transport, of the settlement of an agricultural and industrial population in the inland portions of all provinces of the Union. So far as may be, the total earnings shall be not more than are sufficient to meet the necessary outlays for working, maintenance, betterment, depreciation, and the payment of interest due on capital not being capital contributed out of railway or harbour revenue, and not including any sums payable out of the Consolidated Revenue Fund in accordance with the provisions of sections one hundred and thirty and one hundred and thirty-one. The amount of interest due on such capital invested shall be paid over from the Railway and Harbour Fund into the Consolidated Revenue Fund. The Governor-General in Council shall give effect to the provisions of this section as soon as and at such time as the necessary administrative and financial arrangements can be made. but in any case shall give full effect to them before the expiration of four years from the establishment of the Union. During such period, if the revenues accruing to the Consolidated Revenue Fund are insufficient to provide for the general service of the Union, and if the earnings accruing to the Railway and Harbour Fund are in excess of the outlays specified herein, Parliament may by law appropriate such excess or any part thereof towards the general expenditure of the Union, and all sums so appropriated shall be paid over to the Consolidated Revenue Fund.

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128. Notwithstanding anything to the contrary in the last preceding section, the Board may establish a fund out of railway and harbour revenue to be used for maintaining, as far as may be, uniformity of rates notwithstanding fluctuations in traffic.

129. All balances standing to the credit of any fund established in any of the Colonies for railway or harbour purposes at the establishment of the Union shall be under the sole control and management of the Board, and shall be deemed to have been appropriated by Parliament for the respective purposes for which they have been provided.

130. Every proposal for the construction of any port or harbour works or of any line of railway, before being submitted to Parliament, shall be considered by the Board, which shall report thereon, and shall advise whether the proposed works or line of railway should or should not be constructed. If any such works or line shall be constructed contrary to the advice of the Board, and if the Board is of opinion that the revenue derived from the operation of such works or line will be insufficient to meet the costs of working and maintenance, and of interest on the capital invested therein, it shall frame an estimate of the annual loss which, in its opinion, will result from such operation. Such estimate shall be examined by the Controller and Auditor-General, and when approved by him the amount thereof shall be paid over annually from the Consolidated Revenue Fund to the Railway and Harbour Fund; Provided that, if in any year the actual loss incurred, as calculated by the Board and certified by the Controller and Auditor-General, is less than the estimate framed by the Board, the amount paid over in respect of that year shall be reduced accordingly so as not to exceed the actual loss incurred. In calculating the loss arising from the operation of any such work or line, the Board shall have regard to the value of any contributions of traffic to other parts of the system which may be due to the operation of such work or line.

131. If the Board shall be required by the Governor-General in Council or under any Act of Parliament or resolution of both Houses of Parliament to provide any services or facilities either gratuitously or at a rate of charge which is insufficient to meet the costs involved in the provision of such services or facilities, the Board shall at the end of each financial year present to Parliament an account approved by the Controller and Auditor-General, showing, as nearly as can be ascertained, the amount of the loss incurred by reason of the provision of such services and facilities, and such amount shall be paid out of the Consolidated Revenue Fund to the Railway and Harbour Fund.

132. The Governor-General in Council shall appoint a Controller and Auditor-General who shall hold office during good behaviour: provided that he shall be removed by the Governor-General in Council on an address praying for such removal presented to the Governor-General by both Houses of Parliament : provided further that when Parliament is not in session the Governor-General in Council may suspend such officer on the ground of incompetence or misbehaviour ; and, when and so often as such suspension shall take place, a full statement of the circumstances shall be laid before both Houses of Parliament within fourteen days after the commencement of its next session; and, if an address shall at any time during the session of

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Parliament be presented to the Governor-General by both Houses praying for the restoration to office of such officer, he shall be restored accordingly ; and if no such address be presented the Governor-General shall confirm such suspension and shall declare the office of Controller and Auditor-General to be, and it shall thereupon become, vacant. Until Parliament shall otherwise provide, the Controller and Auditor-General shall exercise such powers and functions and undertake such duties as may be assigned to him by the Governor-General in Council by regulations framed in that behalf.

133. In order to compensate Pietermaritzburg and Bloemfontein for any loss sustained by them in the form of diminution of prosperity or decreased rateable value by reason of their ceasing to be the seats of government of their respective colonies, there shall be paid from the Consolidated Revenue Fund for a period not exceeding twenty-five years to the municipal councils of such towns a grant of two per centum per annum on their municipal debts, as existing on the thirty-first day of January nineteen hundred and nine, and as ascertained by the Controller and Auditor-General. The Commission appointed under section one hundred and eighteen shall, after due inquiry, report to the Governor-General in Council what compensation should be paid to the municipal councils of Cape Town and Pretoria for the losses, if any, similarly sustained by them. Such compensation shall be paid out of the Consolidated Revenue Fund for a period not exceeding twenty-five years, and shall not exceed one per centum per annum on the respective emmp^} debts of swb towns as existing on the thirty-first January nineteen hundred and nine, and as ascertained by the Controller and Auditor-General. For the purposes of this section Cape Town shall be deemed to include the municipalities of Cape Town, Green Point, and Sea Point, Woodstock, Mowbray, and Rondebosch, Claremont, and Wynberg, and any grant made to Cape Town shall be payable to the councils of such municipalities in proportion to their respective debts. One half of any such grants shall be applied to the redemption of the municipal debts of such towns respectively. At any time after the tenth annual grant has been paid to any of such towns the Governor-General in Council, with the approval of Parliament, may after due inquiry withdraw or reduce the grant to such town.

VIII. GENERAL.

134. The election of senators and of members of executive committees of the provincial councils as provided in this Act shall, whenever such election is contested, be according to the principle of proportional representation, each voter having one transferable vote. The Governor-General in Council, or, in the case of the first election of the Senate, the Governor in Council of each of the Colonies, shall frame regulations prescribing the method of voting and of transferring and counting votes and the duties of returning officers in connection therewith, and such regulations or any amendments thereof after being duly promulgated shall have full force and effect unless and until Parliament shall otherwise provide.

135. Subject to the provisions of this Act, all laws in force in the several Colonies at the establishment of the Union shall continue in force in the respective provinces until repealed or amended by Parliament, or by the

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provincial councils in matters in respect of which the power to make ordinances is reserved or delegated to them. All legal commissions in the several Colonies at the establishment of the Union shall continue as if the Union had not been established.

136. There shall be free trade throughout the Union, but until Parliament otherwise provides the duties of custom and of excise leviable under the laws existing in any of the Colonies at the establishment of the Union shall remain in force.

137. Both the English and Dutch languages shall be official languages of the Union, and shall be treated on a footing of equality, and possess and enjoy equal freedom, rights, and privileges; all records, journals, and proceedings of Parliament shall be kept in both languages, and all Bills, Acts, and notices of general public importance or interest issued by the Government of the Union shall be in both languages.

138. All persons who have been naturalised in any of the Colonies shall be deemed to be naturalised throughout the Union.

139. The administration of justice throughout the Union shall be under the control of a minister of State, in whom shall be vested all powers, authorities, and functions which shall at the establishment of the Union be vested in the Attorneys-General of the Colonies, save and except all powers, authorities, and functions relating to the prosecution of crimes and offences, which shall in each province be vested in an officer to be appointed by the Governor-General in Council, and styled the Attorney-General of the province, who shall also discharge such other duties as may be assigned to him by the Governor-General in Council: Provided that in the province of the Cape of Good Hope the Solicitor-General for the Eastern Districts and the Crown Prosecutor for Griqualand West shall respectively continue to exercise the powers and duties bylaw vested in them at the time of the establishment of the Union.

140. Subject to the provisions of the next succeeding section, all officers of the public service of the Colonies shall at the establishment of the Union become officers of the Union.

141. (1) As soon as possible after the establishment of the Union, the Governor-General in Council shall appoint a public service commission to make recommendations for such reorganisation and readjustment of the departments of the public service as may be necessary. The commission shall also make recommendations in regard to the assignment of officers to the several provinces.

(2) The Governor-General in Council may after such commission has reported assign from time to time to each province such officers as may be necessary for the proper discharge of the services reserved or delegated to it, and such officers on being so assigned shall become officers of the province. Pending the assignment of such officers, the Governor-General in Council may place at the disposal of the provinces the services of such officers of the Union as may be necessary.

(3) The provisions of this section shall not apply to any service or department under the control of the Railway and Harbour Board, or to any person holding office under the Board.

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142. After the establishment of the Union the Governor-General in Council shall appoint a permanent public service commission with such powers and duties relating to the appointment, discipline, retirement, and superannuation of public officers as Parliament shall determine.

143. Any officer of the public service of any of the Colonies at the establishment of the Union who is not retained in the service of the Union or assigned to that of a province shall be entitled to receive such pension, gratuity, or other compensation as he would have received in like circumstances if the Union had not been established.

144. Any officer of the public service of any of the Colonies at the establishment of the Union who is retained in the service of the Union or assigned to that of a province shall retain all his existing and accruing rights, and shall be entitled to retire from the service at the time at which he would have been entitled by law to retire, and on the pension or retiring allowance to which he would have been entitled by law in like circumstances if the Union had not been established.

145. The services of officers in the public service of any of the Colonies at the establishment of the Union shall not be dispensed with by reason of their want of knowledge of either the English or Dutch language.

146. Any permanent officer of the Legislature of any of the Colonies who is not retained in the service of the Union, or assigned to that of any province, and for whom no provision shall have been made by such Legislature, shall be entitled to such pension, gratuity, or compensation as Parliament may determine.

147. The control and administration of native affairs and of matters specially or differentially affecting Asiatics throughout the Union shall vest in the Governor-General in Council, who shall exercise all special powers in regard to native administration hitherto vested in the Governors of the Colonies or exercised by them as supreme chiefs, and any lands vested in the Governor or Governor and Executive Council of any colony for the purpose of reserves for native locations shall vest in the Governor-General in Council, who shall exercise all special powers in relation to such reserves as may hitherto have been exercise able by any such Governor or Governor and Executive Council, and no lands set aside for the occupation of natives which cannot at the establishment of the Union be alienated except by an Act of the Colonial Legislature shall be alienated or in any way diverted from the purposes for which they are set apart except under the authority of an Act of Parliament.

148. (1) All rights and obligations under any conventions or agreements which are binding on any of the Colonies shall devolve upon the Union at its establishment.

(2) The provisions of the railway agreement between the Governments of the Transvaal, the Cape of Good Hope and Natal, dated the second of February, nineteen hundred and nine, shall, as far as practicable, be given effect to by the Government of the Union.

IX. NEW PROVINCES AND TERRITORIES.

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149. Parliament may alter the boundaries of any province, divide a province into two or more provinces, or form a new province out of provinces within the Union, on the petition of the provincial council of every province whose boundaries are affected thereby.

150. The King, with the advice of the Privy Council, may on addresses from the Houses of Parliament of the Union admit into the Union the territories administered by the British South Africa Company on such terms and conditions as to representation and otherwise in each case as are expressed in the addresses and approved by the King, and the provisions of any Order in Council in that behalf shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

151. The King, with the advice of the Privy Council, may, on addresses from the Houses of Parliament of the Union, transfer to the Union the government of any territories, other than the territories administered by the British South Africa Company, belonging to or under the protection of His Majesty, and inhabited wholly or in part by natives, and upon such transfer the Governor-General in Council may undertake the government of such territory upon the terms and conditions embodied in the Schedule to this Act.

X. AMENDMENT OF ACT.

152. Parliament may by law repeal or alter any of the provisions of this Act: Provided that no provision thereof, for the operation of which a definite period of time is prescribed, shall during such period be repealed or altered: And provided further that no repeal or alteration of the provisions contained in this section, or in sections thirty-three and thirty-four (until the number of members of the House of Assembly has reached the limit therein prescribed, or until a period of ten years has elapsed after the establishment of the Union, whichever is the longer period), or in sections thirty-five and one hundred and thirty-seven, shall be valid unless the Bill embodying such repeal or alteration shall be passed by both Houses of Parliament sitting together, and at the third reading be agreed to by not less than two-thirds of the total number of members of both Houses. A Bill so passed at such joint sitting shall be taken to have been duly passed by both Houses of Parliament.

SCHEDULE.

1. After the transfer of the government of any territory belonging to or under the protection of His Majesty, the Governor-General in Council shall be the legislative authority, and may by proclamation make laws for the peace, order, and good government of such territory: Provided that all such laws shall be laid before both Houses of Parliament within seven days after the issue of the proclamation or, if Parliament be not then sitting, within seven days after the beginning of the next session, and shall be effectual unless and until both Houses of Parliament shall by resolutions passed in the same

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session request the Governor-General in Council to repeal the same, in which case they shall be repealed by proclamation.

2. The Prime Minister shall be charged with the administration of any territory thus transferred, and he shall be advised in the general conduct of such administration by a commission consisting of not fewer than three members with a secretary, to be appointed by the Governor-General in Council, who shall take the instructions of the Prime Minister in conducting all correspondence to the territories; and shall also under the like control have custody of all official papers relating to the territories.

3. The members of the commission shall be appointed by the Governor-General in Council, and shall be entitled to hold office for a period of ten years but such period may be extended to successive further terms of five years. They shall each be entitled to a fixed annual salary, which shall not be reduced during the continuance of their terms of office, and they shall not be removed from office except upon addresses from both Houses of Parliament passed in the same session praying for such removal. They shall not be qualified to become or to be members of either House of Parliament. One of the members of the commission shall be appointed by the Governor-General in Council as vice-chairman thereof. In case of the absence illness or other incapacity of any member of the commission, the Governor-General in Council may appoint some other fit and proper person to act during such absence, illness, or other incapacity.

4. It shall be the duty of the members of the commission to advise the Prime Minister upon all matters relating to the general conduct of the administration of, or the legislation for, the said territories. The Prime Minister, or another minister of State nominated by the Prime Minister to be his deputy for a fixed period, or, failing such nomination, the vice-chairman shall preside at all meetings of the commission, and in case of an equality of votes shall have a casting vote. Two members of the commission shall form a quorum. In case the commission shall consist of four or more members, three of them shall form a quorum.

5. Any member of the commission who dissents from the decision of a majority shall be entitled to have the reasons for his dissent recorded in the minutes of the commission.

6. The members of the commission shall have access to all official papers concerning the territories, and they may deliberate on any matter relating thereto and tender their advice thereon to the Prime Minister.

7. Before coming to a decision on any matter relating either to the administration, other than routine, of the territories or to legislation therefor, the Prime Minister shall cause the papers relating to such matter to be deposited with the secretary to the commission, and shall convene a meeting of the commission for the purpose of obtaining its opinion on such matter.

8. Where it appears to the Prime Minister that the despatch of any communication or the making of any order is urgently required, the communication may be sent or order made, although it has not been submitted to a meeting of the commission or deposited for the perusal of the members thereof. In any such case the Prime Minister shall record the reasons for sending the communication or making the order and give notice thereof to every member.

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9. If the Prime Minister does not accept a recommendation of the commission or proposes to take some action contrary to their advice, he shall state his views to the commission, who shall be at liberty to place on record the reasons in support of their recommendation or advice. This record shall be laid by the Prime Minister before the Governor-General in Council, whose decision in the matter shall be final.

10. When the recommendations of the commission have not been accepted by the Governor-General in Council, or action not in accordance with their advice has been taken by the Governor-General in Council, the Prime Minister, if thereto requested by the commission, shall lay the record of their dissent from the decision or action taken and of the reasons therefor before both Houses of Parliament, unless in any case the Governor-General in Council shall transmit to the commission a minute recording his opinion that the publication of such record and reasons would be gravely detrimental to the public interest.

11. The Governor-General in Council shall appoint a resident commissioner for each territory, who shall, in addition to such other duties as shall be imposed on him, prepare the annual estimates of revenue and expenditure for such territory, and forward the same to the secretary to the commission for the consideration of the commission and of the Prime Minister. A proclamation shall be issued by the Governor-General in Council, giving to the provisions for revenue and expenditure made in the estimates as finally approved by the Governor-General in Council the force of law.

12. There shall be paid into the Treasury of the Union all duties of customs levied on dutiable articles imported into and consumed in the territories, and there shall be paid out of the Treasury annually towards the cost of administration of each territory a sum in respect of such duties which shall bear to the total customs revenue of the Union in respect of each financial year the same proportion as the average amount of the customs revenue of such territory for the three completed financial years last preceding the taking effect of this Act bore to the average amount of the whole customs revenue for all the Colonies and territories included in the Union received during the same period.

13. If the revenue of any territory for any financial year shall be insufficient to meet the expenditure thereof, any amount required to make good the deficiency may, with the approval of the Governor-General in Council, and on such terms and conditions and in such manner as with the like approval may be directed or prescribed, be advanced from the funds of any other territory. In default of any such arrangement, the amount required to make good any such deficiency shall be advanced by the Government of the Union. In case there shall be a surplus for any territory, such surplus shall in the first instance be devoted to the repayment of any sums previously advanced by any other territory or by the Union Government to make good any deficiency in the revenue of such territory.

14. It shall not be lawful to alienate any land in Basutoland or any land forming part of the native reserves in the Bechuanaland protectorate and Swaziland from the native tribes inhabiting those territories.

15. The sale of intoxicating liquor to natives shall be prohibited in the territories, and no provision giving facilities for introducing, obtaining, or

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possessing such liquor in any part of the territories less stringent than those existing at the time of transfer shall be allowed.

16. The custom, where it exists, of holding pitsos or other recognised forms of native assembly shall be maintained in the territories.

17. No differential duties or imposts on the produce of the territories shall be levied. The laws of the Union relating to customs and excise shall be made to apply to the territories.

18. There shall be free intercourse for the inhabitants of the territories with the rest of South Africa subject to the laws, including the pass laws, of the Union.

19. Subject to the provisions of this Schedule, all revenues derived from any territory shall be expended for and on behalf of such territory: Provided that the Governor-General in Council may make special provision for the appropriation of a portion of such revenue as a contribution towards the cost of defence and other services performed by the Union for the benefit of the whole of South Africa, so, however, that that contribution shall not bear a higher proportion to the total cost of such services than that which the amount payable under paragraph 12 of this Schedule from the Treasury of the Union towards the cost of the administration of the territory bears to the total customs revenue of the Union on the average of the three years immediately preceding the year for which the contribution is made.

20. The King may disallow any law made by the Governor-General in Council by proclamation for any territory within one year from the date of the proclamation, and such disallowance on being made known by the Governor-General by proclamation shall annul the law from the day when the disallowance is so made known.

21. The members of the commission shall be entitled to such pensions or superannuation allowances as the Governor-General in Council shall by proclamation provide, and the salaries and pensions of such members and all other expenses of the commission shall be borne by the territories in the proportion of their respective revenues.

22. The rights as existing at the date of transfer of officers of the public service employed in any territory shall remain in force.

23. Where any appeal may by law be made to the King in Council from any court of the territories, such appeal shall, subject to the provisions of this Act, be made to the Appellate Division of the Supreme Court of South Africa.

24. The Commission shall prepare an annual report on the territories, which shall, when approved by the Governor-General in Council, be laid before both Houses of Parliament.

25. All bills to amend or alter the provisions of this Schedule shall be reserved for the signification of His Majesty's pleasure.

APPENDIX II:

The Freedom Charter of the ANC (1955)

We, the People of South Africa, 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 birthright to land, liberty and peace by a form of government founded on injustice and inequality;

that our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities;

That only a democratic state, based on the will of all the people, can secure to all their birthright without distinction of colour, race, sex or belief;

And therefore, we, the people of South Africa, black and white together equals, countrymen and brothers adopt this Freedom Charter;

And we pledge ourselves to strive together, sparing neither strength nor courage, until the democratic changes here set out have been won.

The People Shall Govern!

Every man and woman shall have the right to vote for and to stand as a candidate for all bodies which make laws;

All people shall be entitled to take part in the administration of the country;

The rights of the people shall be the same, regardless of race, colour or sex;

All bodies of minority rule, advisory boards, councils and authorities shall be replaced by democratic organs of self-government .

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All National Groups Shall have Equal Rights!

There shall be equal status in the bodies of state, in the courts and in the schools for all national groups and races;

All people shall have equal right

All national groups shall be protected by law against insults to their race and national pride;

The preaching and practice of national, race or colour discrimination and contempt shall be a punishable crime;

All apartheid laws and practices shall be set aside.

The People Shall Share in the Country's Wealth!

The national wealth of our country, the heritage of South Africans, shall be restored to the people;

The mineral wealth beneath the soil, the Banks and monopoly industry shall be transferred to the ownership of the people as a whole;

All other industry and trade shall be controlled to assist the wellbeing of the people;

All people shall have equal rights to trade where they choose, to manufacture and to enter all trades, crafts and professions.

The Land Shall be Shared Among Those Who Work It!

Restrictions of land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it to banish famine and land hunger;

The state shall help the peasants with implements, seed, tractors and dams to save the soil and assist the tillers;

Freedom of movement shall be guaranteed to all who work on the land;

All shall have the right to occupy land wherever they choose;

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People shall not be robbed of their cattle, and forced labour and farm prisons shall be abolished.

All Shall be Equal Before the Law!

No-one shall be imprisoned, deported or restricted without a fair trial; No-one shall be condemned by the order of any Government official;

The courts shall be representative of all the people;

Imprisonment shall be only for serious crimes against the people, and shall aim at re-education, not vengeance;

The police force and army shall be open to all on an equal basis and shall be the helpers and protectors of the people;

All laws which discriminate on grounds of race, colour or belief shall be repealed.

All Shall Enjoy Equal Human Rights!

The law shall guarantee to all their right to speak, to organise, to meet together, to publish, to preach, to worship and to educate their children;

The privacy of the house from police raids shall be protected by law;

All shall be free to travel without restriction from countryside to town, from province to province, and from South Africa abroad;

Pass Laws, permits and all other laws restricting these freedoms shall be abolished.

There Shall be Work and Security!

All who work shall be free to form trade unions, to elect their officers and to make wage agreements with their employers;

The state shall recognise the right and duty of all to work, and to draw full unemployment benefits;

Men and women of all races shall receive equal pay for equal work;

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There shall be a forty-hour working week, a national minimum wage, paid annual leave, and sick leave for all workers, and maternity leave on full pay for all working mothers;

Miners, domestic workers, farm workers and civil servants shall have the same rights as all others who work;

Child labour, compound labour, the tot system and contract labour shall be abolished.

The Doors of Learning and Culture Shall be Opened!

The government shall discover, develop and encourage national talent for the enhancement of our cultural life;

All the cultural treasures of mankind shall be open to all, by free exchange of books, ideas and contact with other lands;

The aim of education shall be to teach the youth to love their people and their culture, to honour human brotherhood, liberty and peace;

Education shall be free, compulsory, universal and equal for all children; Higher education and technical training shall be opened to all by means of state allowances and scholarships awarded on the basis of merit;

Adult illiteracy shall be ended by a mass state education plan;

Teachers shall have all the rights of other citizens;

The colour bar in cultural life, in sport and in education shall be abolished.

There Shall be Houses, Security and Comfort!

All people shall have the right to live where they choose, be decently housed, and to bring up their families in comfort and security;

Unused housing space to be made available to the people;

Rent and prices shall be lowered, food plentiful and no-one shall go hungry;

A preventive health scheme shall be run by the state;

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Free medical care and hospitalisation shall be provided for all, with special care for mothers and young children;

Slums shall be demolished, and new suburbs built where all have transport, roads, lighting, playing fields, creches and social centres;

The aged, the orphans, the disabled and the sick shall be cared for by the state;

Rest, leisure and recreation shall be the right of all:

Fenced locations and ghettos shall be abolished, and laws which break up families shall be repealed.

There Shall be Peace and Friendship!

South Africa shall be a fully independent state which respects the rights and sovereignty of all nations;

South Africa shall strive to maintain world peace and the settlement of all international disputes by negotiation - not war;

Peace and friendship amongst all our people shall be secured by upholding the equal rights, opportunities and status of all;

The people of the protectorates Basutoland, Bechuanaland and Swaziland shall be free to decide for themselves their own future;

The right of all peoples of Africa to independence and self-government shall be recognised, and shall be the basis of close co-operation.

Let all people who love their people and their country now say, as we say here:

THESE FREEDOMS WE WILL FIGHT FOR, SIDE BY SIDE, THROUGHOUT
OUR LIVES, UNTIL WE HAVE WON OUR LIBERTY

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APPENDIX III:

CONSTITUTION OF THE ANC(1958)

1. NAME:

2. The name of the organization shall be the African National Congress hereinafter referred to as the "Congress".

2. AIMS AND OBJECTS:

The aims and objects of the Congress shall be:

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.

To promote and protect the interests of the African people in all matters affecting them.

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.

To support the cause of national liberation and the right to independence of nations in Africa and the rest of the world.

3. MEMBERSHIP:

Membership of the Congress shall be open to any person over the age of 18, who accepts its principles, policy and programme and is prepared to abide by its constitution and rules.

Any person desiring to be a member of the Congress shall apply to the secretary of the nearest branch or to any member of the Congress authorised to receive application for membership. Such secretary or member shall immediately submit the application for consideration by the local branch committee, or in the absence of a branch committee, such application shall be made to the provincial secretary who shall refer it to the provincial executive committee within whose jurisdiction the applicant resides.

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The branch committee or provincial executive committee, as the case may be, shall have power to accept or refuse any application for membership submitted to it, provided that the acceptance or refusal of any application by any organ of the Congress shall be subject to review by the next higher organ.

Upon any application for membership being granted by a branch committee or provincial executive committee, a membership card, signed by the Treasurer-General and endorsed by the secretary of such branch or provincial secretary, as the case may be, shall, on payment of the prescribed subscription and subject to the result of any review instituted in terms of sub-clause (c) above, be issued to the applicant.

4. ORGANISATIONAL STRUCTURE:

The Congress shall consist of the following organs:

The National Conference, which elects the National Executive Committees.

The Provincial Conferences, which elect the provincial Executive Committees.

The Regional conference which elects regional committees.

The branch meetings, which elect a branch committee.

5. DECISIONS:

Subject to the rules and regulations of Congress:

Decisions of the National Conference and those of the National Executive Committee shall be binding on all members and lower organs of Congress; Decisions of a provincial conference and those of the provincial executive committee shall be binding on all members and lower organs of the Congress in the particular province concerned;

Decisions of a regional committee shall be binding on those members and lower organs of the Congress in the particular province concerned;

Decisions of a regional committee shall be binding on those members and lower organs of the Congress whose branches are constituent parts of that regional committee;

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Decision of a branch meeting and of a branch committee shall be binding on all members and generally;

Decisions of the majority shall be binding on all members and those of higher organs shall be binding on lower organs

6. RIGHTS AND DUTIES OF MEMBERS:

a. RIGHTS: A member shall have the right:

To take part in the discussion and formulation of the policy of the Congress;

To criticise any official or decision of the Congress; such criticism shall be made to members of Congress or at a properly convened meeting of the members of the Congress;

To take part in the elections and to be elected to any committee, commission or delegation of the Congress; and

To submit proposals or statements to his branch and to his provincial executive committee

b. DUTIES: A member shall have the duty:

To take an active part in the work of his branch;

To understand thoroughly and to carry out the policy, aims and programme of Congress;

To raise the level of his understanding of the political, economic and social problems of South Africa;

To explain the policy and programme of the Congress to the people;

To combat any propaganda which is detrimental to the interests of the Congress;

To observe discipline and to submit loyally to the decision of the majority or to decisions of the higher committee; and

To inform his branch committee before leaving his area, and to report to the branch secretary of the area to which he has moved.

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7. AUXILIARY BODIES:

WOMEN`S LEAGUE

Women who are members shall enjoy equality of status in the Congress and shall be entitled to join ordinary branches and take part in elections for

and be elected to any position or office in the Congress. However in order to arouse the interest and assist the widespread organisation of women,

there shall be established an auxiliary organisation to be known as the African National Congress Women`s League. The League shall:

Be under the political direction and control of the Congress and shall follow the policy and programme of the Congress;

Recruit and organise the African women into a strong organisation which shall act as an auxiliary force to the Congress in the struggle for national liberation;

Take up special problems and issues affecting women;

Carry on propaganda against apartheid and discriminatory laws among African women;

Be entitled to have its own rules and regulations provided that these shall not be in conflict with the policy of Congress.

ORGANISATION FOR YOUTHS

For the purpose of drawing the youths into the struggle and preparing them for leadership, the Congress shall organise the African youths into an organisation for youths to be known as the African National Congress Youth League, which shall be open to any person whose age does not exceed 30 years provided that such person shall upon reaching the qualification for Congress membership become a registered member of Congress subject to all the privileges and obligations of Congress membership in addition to such special privilege and duties of a member of the Youth League. The League shall:

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Mobilise the African youth and mould their political and social outlook in accordance with the Congress principles;

Promote social and cultural activities among the young people;

Popularise the policy, programme and decisions of the Congress among the youth; and

The provisions of Clause 7, A, (c), shall mutatis mutandis apply to the Youth League.

8. NATIONAL CONFERENCE:

The National Conference shall be the Supreme ruling and controlling body in Congress. It shall:

Consist of delegates from the branches of the Congress elected by branch general meetings on the basis of one delegate for every 20 members; provided that the number of delegates from any branch shall not exceed 10; provided further that members of the National Executive Committee may attend ex-officio and shall have the right to speak and vote;

Be held once a year; provided that Special National Conferences may be convened by the National Executive Committee at its own instance at such times as it may deem fit, and shall be convened upon requisitions addressed to it by not less than two provincial conferences.

9. DUTIES AND POWER OF THE ANNUAL NATIONAL CONFERENCE:

The National Conference shall:

Decide and determine the policy and programme of the Congress;

Receive and discuss the reports of the National Executive which shall include the Presidential address and the Treasurer-General's report, the Provincial Executive Committee's reports, the African National Congress Women's League report;

Lay down the basic principle and policy, examine and where necessary, revise the programme and constitution of the Congress;

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Have the right and power to review, ratify, alter or veto any decision taken by any of its constituent bodies or unity of the Congress;

Elect the President-General, the Deputy President, the Secretary-General, the Treasurer-General and eight other National Executive Committee members, who shall hold office for three years and be eligible for re-election. Nomination shall be by delegates at the Conference; and elections of all officials and members of the National Executive Committee shall be by ballot;

Have the power to elect or appoint any Commission or committee and assign specific tasks and duties to such Commission or committee.

10. NATIONAL EXECUTIVE COMMITTEE:

The National Executive Committee, which is elected by the National Conference once every three years, shall:

Consist of the President-General, the Deputy President-General, the Treasurer-General, eight other members, the provincial presidents and secretaries of the Congress or their respective deputies, and the national presidents or national secretaries of the African National Congress Woman`s League and the African National Congress Youth League, who shall be ex-officio members of the National Executive Committee;

Meet on the day of its election to appoint the National Headquarters, the National Speaker, the Deputy National Speaker, the National Chaplain and shall thereafter meet at least twice a year. The National Speaker, the Deputy National Speaker and the National Chaplain need not be appointed from among members of the National Executive Committee;

Appoint from amongst its members the National Working Committee of not less than seven persons residing within a radius of fifty (50) miles of the National Headquarters;

Appoint the National Organising Secretary;

Carry out the decisions and instructions of the National Conference;

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Issue and send directives and instructions to and demand and receive reports from the provincial committees, regional committees and branches; Supervise, direct and control the work of the Congress generally;

Be responsible for ensuring that provincial committees and other committees of the Congress discharge their duties and functions properly and efficiently; Supervise the work of the auxiliary bodies;

Manage and control all the national property and funds of the Congress;

Submit annual reports to the National Conference;

Do all things necessary in furtherance of the policy and programme of the Congress.

11. NATIONAL WORKING COMMITTEE:

The National Working Committee is a sub-committee of the National Executive Committee . It shall:

Meet as provided for in the rules and regulations;

Carry out decisions and instructions of the National Conference and the National Executive Committee;

Conduct the current work of the Congress and ensure that the provinces, regions and branches carry out decisions and instructions of the Congress;

Issue propaganda and educational material to the provinces; and

Submit a report to every National Executive Committee meeting.

12. DUTIES AND FUNCTIONS OF OFFICIALS:

President-General:

The President-General is the head and chief directing officer of the Congress

And the leader of the house in a National Conference . He shall:

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Present to the Annual Conference a comprehensive statement of the state of the nation and the political situation generally;

Make pronouncements for and on behalf of the National Executive Committee outlining and explaining the policy or attitude of the Congress on any question;

Presiding over meetings of the National Executive Committee and conduct the business in conformity with the Constitution, bye-laws and rules of procedure adopted by the National Executive Committee;

Be an ex-officio member of the National Working Committee; and Have a casting vote only

Deputy President-General:

The Deputy President-General shall assist the President-General and deputies for him whenever necessary.

Secretary-General:

The Secretary-General is the chief administrative officer of the Congress.

He shall:

Keep the minutes of the National Conference, the National Executive Committee and the National Working Committee, as well as other records of the Congress;

Conduct the correspondence of the National Executive Committee and the National Working Committee and send out notices of all conferences, National Executive and National Working Committee meetings;

Convey the decisions and instructions of the National Conference, the National Executive Committee and the National Working Committee to the Provincial Committees, regional committees and shall see to it that all units of the Congress carry out their duties properly; and

Prepare yearly reports on the work of the National Executive Committee and the National Working Committee and such other documents which may from time to

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time be required by the National Executive Committee and the National Working Committee.

Treasurer-General:

The Treasurer-General is the chief custodian of the funds and property of the Congress. He shall:

Receive and bank all monies on behalf of the National Executive Committee, and shall, together with any two National Executive members, operate a banking account;

Keep such books of account as may be necessary to record clearly the financial position of Congress;

Submit annually to the National Conference a report showing the Income and Expenditure Account and the Balance sheet of the Congress for the past year, and shall submit periodical reports to the National Executive Committee and the National Working Committee; and

Be responsible together with the President-General and the Secretary-General, for working out plans and schemes for the raising of funds for the Congress, and shall direct and take an active part in a campaign for the raising of funds.

National Speaker:

The National Speaker shall preside over and sign minutes of all National conferences. In his absence the Deputy Speaker shall preside at such Conference.

National Chaplain:

The National Chaplain shall lead the delegates in prayer at National Conferences and shall conduct the National Service or otherwise provide spiritual leadership for the organisation.

National Organising Secretary:

It shall be the duty of the National Organising Secretary acting in consultation

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with and under the direction of the Secretary-General to organise the Congress nationally and to strengthen the organisational machinery throughout.

13. PROVINCE:

For organisational purposes the country shall be divided into provinces. A province shall be determined and defined by the Congress.

14. PROVINCIAL CONFERENCE:

The Provincial Conference shall:

Be the highest organ, subject to Clause 8 and 10, of the Congress in each Province;

Be held annually in each province. Special provincial conferences may be convened at such times as the Provincial Committee may deem fit, and shall be convened upon the requisition addressed to the Provincial Executive Committee by at least one-third of all branches or one Regional Committee;

Delegates from local branches of the Congress in the province who shall be elected by local branch meetings on the basis of one delegate for every twenty members, provided that no branch shall be represented by more than 10 delegates, shall attend;

Members of the Provincial Executive Committee who shall attend ex-officio and shall have the right to speak and vote;

Carry out the decisions and instructions of the National Conference, the National Executive Committee and the National Working Committee;

Receive and consider reports submitted by the Provincial Executive Committee;

Elect the Provincial President, Secretary, Treasurer and eight other members of the Provincial Executive Committee; and

Carry out the policy and programme of the Congress in the Province.

15. PROVINCIAL EXECUTIVE COMMITTEE:

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The Provincial Executive Committee which is elected annually by the Provincial Conference shall be the administrative body of the Provincial Conference.

It shall:

Consist of the Provincial President, the Provincial Vice-President, the Provincial Secretary, the Provincial Treasurer, the Provincial President or Secretary of the African National Congress Women's League and the African National Congress Youth League, and eight other members of the Provincial Committee;

Meet on the day of its election to elect the Provincial Working Committee, and shall thereafter meet at least once every three months;

Carry out the decisions and instructions of the Provincial Conference and the National Executive Committee or the National Working Committee;

Manage and control the funds and property of the Congress in the Province;

Submit reports to the National Executive as often as required on the state of organisation, the financial position of the province and such other matters as may be specified;

Appoint the Provincial Organiser, the Provincial Speaker and the Provincial Chaplain, all who need not be members of the Provincial Executive Committee;

Organise and establish branches and Regions in the Province;

Enforce the constitution of the Congress in the Province;

Give members of the Congress in the Province political education; and

Carry out the policy and programme of the Congress and do all things necessary to further the interests, aims and objects of the Congress.

16. PROVINCIAL WORKING COMMITTEE:

The Provincial Working Committee is the sub-committee of the Provincial Executive Committee. It shall consist of not less than seven members who reside within a radius of 100 miles of the Provincial Headquarters, and shall:

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Perform the duties and functions of the Provincial Executive Committee; and
Submit reports to the Provincial Executive Committee.

17. DUTIES AND FUNCTIONS OF PROVINCIAL OFFICIALS:

With the exception of Clause 7, provisions of Section 12 shall, with necessary alteration of detail apply to the duties and functions of the provincial officials of the Congress.

18. REGION:

Any three or more branches in a given area may, for the purpose of co-ordination of activities and better organisational efficiency, be formed into a region at the instance of the Provincial Executive Committee, by at least two branches within an area of a proposed region.

19. REGIONAL COMMITTEE:

Whenever a region has been established the branch executive of such region shall at a properly convened meeting, elect a regional committee, which shall consist of a Chairman, Secretary, Treasurer, two members, and a member from each branch within the region.

The duty of the Regional Committee shall be:

To meet as provided for in the rules and regulations;

To co-ordinate the work and activities of the constituent branches and submit reports to the Provincial Executive Committee; and

To see to the implementation of the instructions of the National Executive Committee, Provincial Executive Committee or the Provincial Working Committee .

20. BRANCHES:

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The basic unit of organisation in the Congress shall be the branch;

The branch shall consist of a minimum of twenty members, provided that the National Executive Committee or Provincial Executive Committee may establish a provisional committee as provided by the rules and regulations;

Every new branch shall apply to the Provincial Executive Committee for registration;

The branch shall:

Meet as provided for in the rules and regulations;

Elect at an annual branch general meeting, a branch Chairman, Secretary, Treasurer and six other branch committee members.

21. BRANCH COMMITTEE:

The branch committee shall:

Meet on the day of its election to elect the branch sub-committee and thereafter shall meet as provided for in the rules and regulations;

Carry out propaganda and organisational work among the people in its area in pursuance of the policy, programme and decisions of the Congress;

Build and increase the numerical and political strength of the Congress within its area;

Submit reports on its work to the branch meeting, to the Regional Committee periodically as provided in the rules and regulations and to the Provincial Executive Committee every quarter; and

Carry out such instructions as may from time to time be issued by the Provincial Committee or the Provincial Working Committee.

22. CONGRESS FUNDS:

The basic membership subscription for Congress shall be two shillings and sixpence (2s. 6d.);

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All subscriptions shall be payable in advance;

The National Executive Committee may impose a national levy on all members of the Congress and all such money derived from a national levy shall be paid into the national treasury;

The Provincial Executive Committee may with the prior approval of and subject to such conditions as may be laid down by the National Executive Committee, impose levies on all members of the Congress in their respective provinces. All money from Provincial levies shall be paid into the provincial treasuries; All levies, national and provincial, shall be for stated periods and specific amounts;

The branch Treasurer shall pay to the Provincial Treasurer and National Treasurer respectively, one third of the total subscriptions;

The Provincial Executive Committee shall pay to the National Executive Committee an agreed proportion of all money received by them through donations, collections, concerts, functions, etc;

Proper records shall be kept of all money received and expended by branch committees, regional committees, Provincial Executive Committees and the National Executive Committee.

23. DISCIPLINE:

A branch committee, Regional, Provincial and National Executive Committee shall have power to reprimand, suspend, expel or take any other disciplinary action against a member for breach of the Constitution or conduct detrimental to the interests of the Congress or the African people;

Any higher organ of the Congress shall have power to investigate reprimand, re-organise, suspend, dissolve, dismiss or take any other appropriate disciplinary action against any lower organ under its jurisdiction for breach of the Constitution or conduct detrimental to the interests of the Congress or the African people;

Before any disciplinary action is taken against any member or organ in terms of clause (a) and/or clause (b) of this section (section 23), such member or organ shall,

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in the absence of extraordinary circumstances justifying the contrary, be given an opportunity to appear before the relevant tribunal and there admit, deny or otherwise account for the conduct complained of;

Any member or body of members against whom disciplinary action has been taken by any organ of the Congress, shall have the right to appeal to the next higher organ and the National Conference shall be the final court of appeal;

When a member is suspended, the committee suspending him shall state the period and conditions of such suspension;

A member who fails to pay his subscription for a period of six months and who does not pay his subscription after he has been personally spoken to about the matter, by a representative of his branch committee, shall be lapsed from membership;

All cases of suspension, dismissal, expulsion or dissolution by way of disciplinary action shall be fully reported to the Provincial Executive Committee and the National Executive Committee;

No case of expulsion by a branch or region shall be published in the press without the consent of the Provincial Executive Committee.

24. QUORUM:

A third of all members shall form a quorum;

Fifteen members or 50 per cent of the branch membership, whichever is the lesser, shall form a quorum of all meetings of a local branch:

Delegates from 40 per cent of the total number of branches in a province shall form a quorum for all provincial conferences;

In the case of a National Conference, delegates from two provinces, representing at least thirty-three-and-one-third per cent of the total membership of the Congress, shall constitute a quorum.

25. VACANCIES:

The office of any member of a committee of the Congress shall be vacated by

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resignation, suspension, expulsion or absence from meetings for a period prescribed in the rules and regulations.

26. RULES AND REGULATIONS:

The National Executive shall have the power to frame rules and regulations relating to the control and administration of the affairs of the Congress;

Each Provincial Executive Committee may frame rules and regulations for the conduct and management of the affairs of Congress organisation within its jurisdiction, provided that any rules and regulations so framed shall not become operative until they have been approved by the National Executive Committee;

Rules and regulations framed in terms of clause (a) and clause (b) of this section (section 26), shall not be inconsistent with the provisions of this constitution

27. AMENDMENT OF CONSTITUTION;

This Constitution may be amended by resolution passed by a two- thirds majority of the delegates present and voting at a National Conference. Notice of such a resolution shall be submitted in writing to the Secretary-General not later than six months before the date of the National Conference. The National Executive Committee shall circulate all proposed amendments to the Constitution to the Provincial Executive Committees and all branches of the Congress at least two months before the National Conference.

28. GENERAL:

The Congress 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.

(Signed) A.J. LUTULI - PRESIDENT-GENERAL

(Signed) O.R. TAMBO - SECRETARY-GENERAL

AFRICAN NATIONAL CONGRESS (SOUTH AFRICA)

APPENDIX IV:

Rubicon Speech of 1985 (Botha)

ADDRESS BY STATE PRESIDENT P. W. BOTHA
AT THE OPENING OF THE NATIONAL PARTY NATAL CONGRESS
DURBAN, 15 AUGUST 1985 ["Rubicon" Speech]

During recent months and particularly the last few weeks, I have received a great deal of advice.

Most of the persons and institutions who offered advice and still offer advice have good and well-meaning intentions. I thank them and where the advice is practical, it is considered.

I almost daily receive hundreds of messages and letters of goodwill and encouragement from all over the Western world and from people in our own country, as well as assurances that people are praying for me. Just before we left for this meeting, a very touching message was received by me from a member of the Greek community from Johannesburg. I sincerely appreciate these gestures of goodwill.

Most of the media in South Africa have already informed you on what I was going to say tonight, or what I ought to say, according to their superior judgment.

Of all the tragedies in the world I think the greatest is the fact that our electorate refrained so far to elect some of these gentlemen as their government. They have all the answers to all the problems.

And these answers differ from day to day and from Sunday to Sunday!

Seldom in our past has there been a party congress of the National Party for which so many expectations were raised as this Congress in Natal. Some of the reasons for this are evident, for example the partial emergency situation in less than 14% of the magisterial districts of the RSA. Other reasons are more sinister, such as the motives of those who have put words in my mouth in advance.

During recent weeks there was an unparalleled scurry from different sources, within and outside South Africa, to predict and prescribe what is to be announced at the Congress. It was also envisaged that worldwide, people are going to be dissatisfied if certain things are not announced as were predicted.

It is of course a well-known tactic in negotiations to limit the other person's freedom of movement about possible decisions, thus forcing him in a direction where his options are increasingly restricted.

It is called the force of rising expectations.

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Firstly, an expectation is raised that a particular announcement is to be made. Then an expectation is raised about what the content of the announcement should be. The tactic has two objectives.

Firstly, the target is set so high that, even if an announcement is made, it is almost impossible to fulfill the propagated expectations. Secondly, it is also an attempt to force the one party into negotiations to make the expected decision. If this is not done, public opinion is already conditioned to such an extent that the result is widespread dissatisfaction. If you want to read about these tactics, read the book *Nicaragua Betrayed* and then you will see the history of some of these gentlemen repeated in South Africa.

This is what has been happening over recent weeks. I find it unacceptable to be confronted in this manner with an accomplished fact. That is not my way of doing and the sooner these gentlemen accept it, the better.

I think we should first reconsider the objective of a party congress.

The National Party in each province is connected to the Party in other provinces on a federal basis. The Provincial Congress is the highest authority of the Party in each province. One of the major activities of the Congress is to decide on Party policy. It would thus be unwise of the Leader of the Party to confront the Provincial Congress with certain final decisions.

Moreover, the subject of most of the speculations, namely the constitutional future of the Black peoples in South Africa, is of such a nature that it must be determined in consultation with those concerned. We cannot confront them with certain final decisions.

Over the years, that was exactly the criticism against our Government-that we make decisions about people and not with them. Now, suddenly I'm expected to make the decision for them.

I find the attempts from various sources to compromise me and the Government very unfortunate. It is a very dangerous game, and it definitely does not serve the interest of negotiation and reform in South Africa.

I have used a quotation of Langenhoven earlier. I want to quote him again. He wrote:

"If we are in front we can wait for time. If we are behind, it does not wait for us."

In our relationship with our fellow-South Africans and in our relationship as a multicultural society in South Africa, no spirit of defeatism or hysterical actions will help us to be on time.

We must deal with our relationships and accept future challenges in a balanced way and with devotion. You will find that balance in thinking and devotion in the National Party-the only political party which is representative of the vast majority of White South Africa.

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The Party stands for the just and equal treatment of all parts of South Africa, and for the impartial maintenance of the rights and privileges of every section of the population. But, the Party must also deal with the heritage of history. Certain situations in this country were created by history and not by other national parties.

We are not prepared to accept the antiquated, simplistic and racist approach that South Africa consists of a White minority and a Black majority.

We cannot ignore the fact that this country is a multicultural society-a country of minorities-White minorities as well as Black minorities.

While the National Party accepts and respects the multicultural and poly-ethnic nature of South Africa's population, it rejects any system of horizontal differentiation which amounts to one nation or group in our country dominating another or others.

We believe in and uphold the principle of economic interdependence of the population groups as well as the acceptance of the properly planned utilization of manpower.

In this regard we have advanced very far through modernizing our labour laws, the creation of a Development Bank for Southern Africa, as well as a Corporation for the Development of Small Business Activities. We already co-operate in various ways through multi-national ministerial committees, meeting from time to time and working positively in the interest of South Africa as a whole.

It is true that as a result of serious world recessionary circumstances, South Africa, which was also hit by recessionary conditions and overspending in some fields, could not make progress as we would have preferred.

But it is common knowledge by now that the official economic strategy applied in South Africa during the past twelve months has produced excellent results:

- Ø Overspending by the private and public sectors have been eliminated.
- Ø The money supply is under control.
- Ø Government spending is being effectively curbed and soundly financed.
- Ø The balance of payments on current account is showing a surplus of about R5 billion per year-much larger than anticipated.
- Ø The banking sector and private companies have for months now been repaying substantial amounts of foreign debt.
- Ø Our net gold and foreign exchange reserves increased by R1,4 billion during the second quarter of 1985.
- Ø The prime overdraft rate of the banks has been reduced four times since May, from 25% to 21%. Other interest rates have also declined.

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Ø The rate of inflation is still around 16% but should begin to decline before the end of the year.

Ø With exports rising strongly and interest rates falling, the domestic economy should move into a new upswing in 1986.

The so-called "economic fundamentals" are therefore at present very favourable in South Africa.

Many of the present perceptions of the South African situation overseas are, of course, quite erroneous. Nobody would deny that we face problems that demand solutions, but every country has. I can name you quite a number of countries who have more problems than SA.

But the perceptions of many overseas observers bear little relationship to the realities of the situation.

People are flocking to South Africa tonight, from neighbouring countries because they are looking for work and health services. Only last week I was in the north of our country and there I had the experience that people were flocking from Mozambique into South Africa in their tens of thousands. How do you explain that? Do people flee to hell?

The Republic of South Africa still remains the leading country in the sub-continent of Southern Africa. If the Republic of South Africa suffers from economic setbacks, the whole of Southern Africa will pay a heavy price. For example, at present 90% of the exports of Southern Africa takes place through the transport systems of the Republic of South Africa.

We in the Republic of South Africa, as well as our neighbours, will in the foreseeable future have to find solutions for our fast growing populations and their rightful demands. We have our responsibilities in connection with proper family planning, health services, the provision of clean and fresh water, training of young people and the creation of work opportunities.

The Government, apart from its normal budget this year, made provision for R100 million to provide people with work, and only yesterday we had a report saying that we are succeeding in our efforts. We have such a vast task ahead of us and such great challenges to create a better future, that we can ill afford the irresponsibilities and destructive actions of barbaric Communist agitators and even murderers who perpetrate the most cruel deeds against fellow South Africans, because they are on the payroll of their masters far from this lovely land of ours.

I have the knowledge because I have the facts. As head of this Government I am in the position to tell you tonight what the facts are. No government in this country or elsewhere in the world can solve all the problems in its country in a given time.

But despite our human weaknesses and our limited powers as human instruments, we can attempt to be on time. We can make serious attempts not to be behind time.

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We are suffering in some parts of South Africa from two basic problems.

The first is the problem of unemployment—a problem of the entire Western world, with perhaps to a lesser extent the United States—especially a problem of Africa where people die of hunger, where one of the leaders of Africa in the Organisation of African Unity declared: "Africa, it is time."

We believe that the Small Business Corporation we created is of vital importance in this connection to remedy this problem. I am of the opinion that there are too many rules and regulations in our country serving as stumbling blocks in the way of entrepreneurs. These stumbling blocks must be removed. We are already seriously attending to this problem. Even if I as State President have to take power during the next session of Parliament so as to enable me to deregulise [sic] in the interest of the country, I will do so!

The underdeveloped part of the economy is mainly that of different non-White communities. There are historic reasons for this, just as there are historic reasons for the plight of Africa in general. Instead of the Whites paternalistically trying to do every-thing for the Blacks, they must rather be allowed to help themselves—in the informal as well as the formal sector of the economy.

When I met with President Machel some time ago on the border of South Africa and Mozambique, I told him he must not expect from South Africa the same policy which destroyed Africa under the leadership of the West and Russia. I told him that we are not coming with aid programmes, but we want co-operation and he interrupted immediately and said: "Africa is tired of aid, provide us with co-operation, and help us to help ourselves." Consequently, I shall go out of my way to see to it that more substantial funds are made available to the Small Business Development Corporation.

Secondly, I refer to the problem of housing, caused mainly by our population explosion in Southern Africa, as elsewhere in Africa.

It is a fallacious belief that the Government must do everything for all. We must help the people to help themselves, to build and upgrade their homes through their own efforts. We have decided that land should be made available where possible, and site services supplied. We have already accepted the principle of ownership rights for Blacks in the urban areas rights to people in the National States.

But the State must mainly take responsibility for the infrastructure such as fresh drinking water, sanitation and roads and leave it to the people to provide their own homes.

The Government intends setting aside R1 billion during the next five years to improve underdeveloped towns and cities, not only in metropolitan areas. Our policy of decentralisation will be actively continued, and you know for a fact that we have advanced very fast in this direction. Get the facts, and the people who know the facts will support the Government in its efforts.

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On the question of influx control-I can only say that the present system is outdated and too costly. The President's Council assured me that they are at present considering this matter and will probably report on it in the near future, while the Government itself is also at present considering improvements.

But of course-we shall need the closest co-operation from the private sector. I hope they will stand up and be counted as they did in the past when I called upon them for their co-operation.

When I was Minister of Defence and the world started an arms boycott against South Africa, I called upon the private sector to support the Government in providing our own arms which they did successfully. I now appeal to them again to stand together for South Africa, not for any other interest.

I now wish to deal with some other aspects of our National Life.

It is my considered opinion that any future constitutional dispensation providing for participation by all South African citizens, should be negotiated.

But let me point out at once that since South Africa freed itself from colonialism, democracy has already been broadened and millions of people who never had a say in Governmental affairs under the British Colonial system, have it today.

I am pressed by some who mean it well and those who wish to destroy orderly government in this country, to make a Statement of Intent. I am not prepared to make it, not now and not tomorrow.

I say it would be wrong to be prescriptive as to structures within which participation will have to take place in the future.

It would also be wrong to place a time limit on negotiations. I am not going to walk into this trap-I am responsible for South Africa's future.

However, I believe that the majority of South Africans as well as independent states, which form our immediate neighbours, have much in common apart from our economic interests.

We believe in the same Almighty God and the redeeming grace of His Son, Jesus Christ.

And I know what I am talking about, because only a few months ago I stood before an audience of 3 million Black people, proving the truth of what I am saying now. I don't know whether one of our critics ever saw 3 million people together in a meeting. I did.

We believe and wish to uphold religious freedom in South Africa. This is a country of religious freedom.

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We believe in democratic institutions of government and we believe in the broadening of democracy.

We believe our great wealth of divergent population groups must speak to each other through their elected leaders, not self-appointed leaders.

We believe that our peace and prosperity is indivisible.

We believe in the protection of minorities. Is there anybody in this hall who would get up and say he is not for the protection of minorities? Let me see how such a fool looks.

We know that it is the hard fact of South African life, that it will not be possible to accommodate the political aspirations of our various population groups and communities in a known defined political system, because our problems are unique.

We have often found that our efforts to find solutions have been impeded and frustrated because of different interpretations of the terminology that we use to describe our particular form of democratic solutions.

Some years ago, with the best intentions on my part, I advocated a confederation of Southern African states to co-operate with one another. The idea was belittled and prejudice was created against it and that is why I say I am not going to fall into that trap again, before I had the opportunity to discuss with the elected leaders of other communities in South Africa the structures we jointly agree on.

Now let me state explicitly that I believe in participation of all the South African communities on matters of common concern. I believe there should exist structures to reach this goal of co-responsibility and participation.

I firmly believe that the granting and acceptance of independence by various Black peoples within the context of their own statehood, represent a material part of the solution. I believe in democratic neighbours, not neighbours that call out elections and then stop them in their mysterious ways.

I would, however, like to restate my Government's position in this regard, namely that independence cannot be forced upon any community. Should any of the Black National States therefore prefer not to accept independence, such states or communities will remain a part of the South African nation, are South African citizens and should be accommodated within political institutions within the boundaries of the Republic of South Africa. This does not exclude that regional considerations should be taken into account and that provision be made for participation in institutions on a regional and/or group basis. We must be practical in this regard.

But I know for a fact that most leaders in their own right in South Africa and reasonable South Africans will not accept the principle of one-man-one-vote in a unitary system. That would lead to domination of one over the other and it would lead to chaos. Consequently, I reject it as a solution.

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Secondly, a so-called fourth chamber of Parliament is not a practical solution and I do not think responsible people will argue in favour of it.

We must rather seek our solutions in the devolution of power and in participation on common issues.

But I admit that the acceptance by my Government of the permanence of Black communities in urban areas outside the National States, means that a solution will have to be found for their legitimate rights.

The future of these communities and their constitutional arrangements will have to be negotiated with leaders from the National States, as well as from their own ranks.

But let me be quite frank with you-you must know where you stand with me. I have no unfulfilled ambitions in political life in South Africa. I am standing where I am standing because people asked me to stand here. Let me be quite frank with you tonight, if you do not like my way of thinking, if you do not like the direction I am going in, it is the right of the Party Congresses to state whether they agree with their leader or not.

I am not prepared to lead White South Africans and other minority groups on a road to abdication and suicide.

Destroy White South Africa and our influence, and this country will drift into faction strife, chaos and poverty.

Together with my policy statements earlier this year in Parliament, I see this speech of mine as my Manifesto for a new South Africa.

In my policy statements in January and June of this year, I indicated that there would be further developments with regard to the rights and interests of the various population groups in Southern Africa.

Since then we have had to contend with escalating violence within South Africa, and pressure from abroad in the form of measures designed to coerce the Government into giving in to various demands.

Our enemies-both within and without-seek to divide our peoples. They seek to create unbridgeable differences between us to prevent us from negotiating peaceful solutions to our problems. Peaceful negotiation is their enemy. Peaceful negotiation is their enemy, because it will lead to joint responsibility for the progress and prosperity of South Africa. Those whose methods are violent, do not want to participate. They wish to seize and monopolize all power. Let there be no doubt about what they would do with such power.

One has only to look at their methods and means. Violent and brutal means can only lead to totalitarian and tyrannical ends.

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Their actions speak louder than their words. Their words offer ready panaceas such as one-man-one-vote, freedom and justice for all. Their actions leave no doubt that the freedoms that we already have-together with the ongoing extension of democracy in South Africa-are the true targets of their violence. Is this type of Government really such a wonderful example that they wish to have? Why do they not organise the investors of the Western world to invest in Lesotho and Mozambique? Why do I have to appeal to people to invest in Mozambique?

I have a specific question I would like to put to the media in South Africa: How do they explain the fact that they are always present, with cameras et cetera, at places where violence takes place? Are there people from the revolutionary elements who inform them to be ready? Or are there perhaps representatives of the reactionary groups in the ranks of certain media?

My question to you is this: Whose interests do you serve-those of South Africa or those of the revolutionary elements? South Africa must know, our life is at stake.

From certain international as well as local quarters, appeals are being made to me to release Mr Nelson Mandela from jail.

I stated in Parliament, when put this question, that if Mr Mandela gives a commitment that he will not make himself guilty of planning, instigating or committing acts of violence for the furtherance of political objectives, I will, in principle, be prepared to consider his release.

But let me remind the public of the reasons why Mr Mandela is in jail. I think it is absolutely necessary that we deal with that first of all. When he was brought before court in the sixties, the then Attorney-General, Dr Yutar, set out the State's case inter alia as follows:

"As the indictment alleges, the accused deliberately and maliciously plotted and engineered the commission of acts of violence and destruction throughout the country . . .

The planned purpose thereof was to bring about in the Republic of South Africa chaos, disorder and turmoil . . .

They (Mr Mandela and his friends) planned violent insurrection and rebellion."

The saboteurs had planned the manufacture of at least seven types of bombs: 48 000 anti-personnel mines, 210 000 hand grenades, petrol bombs, pipe bombs, syringe bombs and bottle bombs.

A document was produced during the Court case in Mandela's own handwriting in which he stated:

"We Communist Party members are the most advanced revolutionaries in modern history ... The enemy must be completely crushed and wiped out from the face of the earth before a Communist world can be realised."

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In passing sentence at the time, the Judge, Mr Justice De Wet, remarked:

"The crime of which the accused have been convicted that is the main crime, the crime of conspiracy, is in essence one of high treason. The State has decided not to charge the crime in this form. Bearing this in mind and giving the matter very serious consideration, I have decided not to impose the supreme penalty which in a case like this would usually be the proper penalty for the crime."

The violence of our enemies is a warning to us. We, who are committed to peaceful negotiation, also have a warning to them. Our warning is that our readiness to negotiate should not be mistaken for weakness.

I have applied much self-discipline during the past weeks and months. I have been lenient and patient. Don't push us too far in your own interests, I tell them. Reform through a process of negotiation is not weakness. Talking, consulting, bargaining with all our peoples' leaders is not weakness. Mutual acceptance of and joint responsibility for the welfare and stability of our country is not weakness. It is our strength.

Our strength is the courage to face and accommodate the problems bequeathed to us by history. The reality of our diversity is a hard reality. We face it, because it is there. How do we accommodate it? How do we build a better future out of cultures, values, languages which are demonstrably real in our heterogeneous society?

We are resolved, we are committed, to do so in two fundamental ways.

Firstly-by letting the people speak. By letting the people speak through their leaders.

By negotiation between all these leaders. I go out of my way, and my colleagues know that I am working all hours every day of my life. Negotiation in which we will all endeavour to improve our common well-being. Negotiation in which there will be give and take. We will not prescribe and we will not demand-to do so would be to take only. We will give so that others can also give-towards a better future for each and everyone.

Secondly-the overriding common denominator is our mutual

Interest in each other's freedoms and well-being. Our peace and prosperity is indivisible. Therefore, the only way forward is through co-operation and co-responsibility.

If we ignore the existence of minorities; if we ignore the individual's right to associate with others in the practice of his beliefs and the propagation of his values; if we deny this in favour of a simplistic "winner-takes-all" political system-then we will diminish and not increase the freedoms of our peoples. Then we would deny the right of each and everyone to share in the decisions which shape his destiny.

Between the many and varied leaders in this country, in the National States and the independent states neighbouring on our borders, in our urban areas I recognise this,

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but I also know that their love for South Africa is intense as my own. I am therefore in no doubt that working together, we shall succeed in finding the way which will satisfy the reasonable social and political aspirations of the majority of us.

The work of the Special Cabinet Committee is bearing fruit. At the correct time other heads of Governments and I, together with other leaders of goodwill, will also be able to take part more directly in this process. But it cannot be solved overnight, not in South Africa.

We have never given in to outside demands and we are not going to do so now. South Africa's problems will be solved by South Africans and not by foreigners.

We are not going to be deterred from doing what we think best, nor will we be forced into doing what we don't want to do. The tragedy is that hostile pressure and agitation from abroad have acted as an encouragement to the militant revolutionaries in South Africa to continue with their violence and intimidation. They have derived comfort and succour from this pressure.

My Government and I are determined to press ahead with our reform programme, and to those who prefer revolution to reform, I say they will not succeed. If necessary we will use stronger measures but they will not succeed.

We prefer to resolve our problems by peaceful means: then we can build, then we can develop, then we can train people, then we can uplift people, then we can make this country of ours a better place to live in. By violence and by burning down schools and houses and murdering innocent people, you don't build a country, you destroy it.

Despite the disturbances, despite the intimidation, there is more than enough goodwill among Blacks, Whites, Coloureds and Asians to ensure that we shall jointly find solutions acceptable to us.

But I say it is going to take time. Revolutionaries have no respect for time, because they have no self-respect. Look what they have done to Africa, a continent that is dying at present. I can tell you, because I know what is happening in many of these countries. I have the facts and I am not going to hand South Africa over to these revolutionaries to do the same to this lovely country.

I am encouraged by the growing number of Black leaders who are coming forward to denounce violence. Any reduction of violence will be matched by action on the part of the Government to lift the State of Emergency and restore normality in the areas concerned.

Moreover, as violence diminishes, as criminal and terrorist activities cease, and as the process of dialogue and communication acquires greater momentum, there would be little need to keep those affected in detention or prison.

The implementation of the principles I have stated today can have far-reaching effects on us all. I believe that we are today crossing the Rubicon. There can be no

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turning back. We now have a manifesto for the future of our country, and we must embark on a programme of positive action in the months and years that lie ahead. The challenges we face call for all concerned to negotiate in a spirit of give and take. With mutual goodwill we shall reach our destination peacefully.

We undertake to do all that man can possibly do. In so saying, I pray that Almighty God would grant us the wisdom and the strength to seek to fulfill His Will.

I thank you.

Source: South African Consulate General, New York, N. Y., August 1985. Appendix A 1 159

Appendix V:

F. W. de Klerk's speech at the opening of Parliament 2 February 1990

Mr Speaker, Members of Parliament.

THE GENERAL ELECTIONS on September the 6th, 1989, placed our country irrevocably on the road of drastic change. Underlying this is the growing realisation by an increasing number of South Africans that only a negotiated understanding among the representative leaders of the entire population is able to ensure lasting peace.

The alternative is growing violence, tension and conflict. That is unacceptable and in nobody's interest. The well-being of all in this country is linked inextricably to the ability of the leaders to come to terms with one another on a new dispensation. No-one can escape this simple truth.

On its part, the Government will accord the process of negotiation the highest priority. The aim is a totally new and just constitutional dispensation in which every inhabitant will enjoy equal rights, treatment and opportunity in every sphere of endeavour - constitutional, social and economic.

I hope that this new Parliament will play a constructive part in both the prelude to negotiations and the negotiating process itself. I wish to ask all of you who identify yourselves with the broad aim of a new South Africa, and that is the overwhelming majority:

Ø Let us put petty politics aside when we discuss the future during this Session.

Ø Help us build a broad consensus about the fundamentals of a new, realistic and democratic dispensation.

Ø Let us work together on a plan that will rid our country of suspicion and steer it away from domination and radicalism of any kind.

During the term of this new Parliament, we shall have to deal, complimentary to one another, with the normal processes of legislation and day-to-day government, as well as with the process of negotiation and renewal. Within this framework I wish to deal first with several matters more closely concerned with the normal process of government before I turn specifically to negotiation and related issues.

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1 Foreign relations

The Government is aware of the important part the world at large has to play in the realisation of our country's national interests.

Without contact and co-operation with the rest of the world we cannot promote the well-being and security of our citizens. The dynamic developments in international politics have created new opportunities for South Africa as well. Important advances have been made, among other things, in our contacts abroad, especially where these were precluded previously by ideological considerations.

I hope this trend will be encouraged by the important change of climate that is taking place in South Africa

For South Africa, indeed for the whole world, the past year has been one of change and major upheaval. In Eastern Europe and even the Soviet Union itself, political and economic upheaval surged forward in an unstoppable tide. At the same time, Beijing temporarily smothered with brutal violence the yearning of the people of the Chinese mainland for greater freedom.

The year of 1989 will go down in history as the year in which Stalinist Communism expired.

These developments will entail unpredictable consequences for Europe, but they will also be of decisive importance to Africa. The indications are that the countries of Eastern and Central Europe will receive greater attention, while it will decline in the case of Africa.

The collapse, particularly of the economic system in Eastern Europe, also serves as a warning to those who insist on persisting with it in Africa. Those who seek to force this failure of a system on South Africa, should engage in a total revision of their point of view. It should be clear to all that is not the answer here either. The new situation in Eastern Europe also shows that foreign intervention is no recipe for domestic change. It never succeeds, regardless of its ideological motivation. The upheaval in Eastern Europe took place without the involvement of the Big Powers or of the United Nations.

The countries of Southern Africa are faced with a particular challenge: Southern Africa now has an historical opportunity to set aside its conflicts and ideological differences and draw up a joint programme of reconstruction. It should be sufficiently attractive to ensure that the Southern African region obtains adequate investment and loan capital from the industrial countries of the world. Unless the countries of Southern Africa achieve stability and a common approach to economic development rapidly, they will be faced by further decline and ruin.

The Government is prepared to enter into discussions with other Southern African countries with the aim of formulating a realistic development plan. The Government believes that the obstacles in the way of a conference of Southern African states have now been removed sufficiently.

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Hostile postures have to be replaced by co-operative ones; confrontation by contact; disengagement by engagement; slogans by deliberate debate.

The season of violence is over. The time for reconstruction and reconciliation has arrived.

Recently there have, indeed, been unusually positive results in South Africa's contacts and relations with other African states. During my visits to their countries I was received cordially, both in private and in public, by Presidents Moburu, Chissano, Houphouet-Boigny and Kaunda. These leaders expressed their sincere concern about the serious economic problems in our part of the world. They agreed that South Africa could and should play a positive part in regional cooperation and development.

Our positive contribution to the independence process in South West Africa has been recognised internationally. South Africa's good faith and reliability as a negotiator made a significant contribution to the success of the events. This, too, was not unnoticed. Similarly, our efforts to help bring an end to the domestic conflict situations in Mozambique and Angola have received positive acknowledgement.

At present the Government is involved in negotiations concerning our future relations with an independent Namibia and there are no reasons why good relations should not exist between the two countries. Namibia needs South Africa and we are prepared to play a constructive part.

Nearer home I paid fruitful visits to Venda, Transkei and Ciskei and intend visiting Bophuthatswana soon. In recent times there has been an interesting debate about the future relationship of the TBVC countries with South Africa and specifically about whether they should be re-incorporated into our country.

Without rejecting this idea out of hand, it should be borne in mind that it is but one of many possibilities. These countries are constitutionally independent. Any return to South Africa will have to be dealt with, not only by means of legislation in their parliaments, but also through legislation in this Parliament. Naturally this will have to be preceded by talks and agreements.

2 Human rights

Some time ago the Government referred the question of the protection of fundamental human rights to the South African Law Commission. This resulted in the Law Commission's interim working document on individual and minority rights. It elicited substantial public interest.

I am satisfied that every individual and organisation in the country has had ample opportunity to make representations to the Law Commission, express criticism freely and make suggestions. At present, the Law Commission is considering the representations received. A final report is expected in the course of this year.

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In view of the exceptional importance of the subject of human rights to our country and all its people, I wish to ask the Law Commission to accord this task high priority.

The whole question of protecting individual and minority rights, which includes collective rights and the rights of national groups, is still under consideration by the Law Commission. Therefore, it would be inappropriate of the Government to express a view on the details now. However, certain matters of principle have emerged fairly clearly and I wish to devote some remarks to them.

The Government accepts the principle of the recognition and protection of the fundamental individual rights which form the constitutional basis of most Western democracies. We acknowledge, too, that the most practical way of protecting those rights is vested in a declaration of rights justiciable by an independent judiciary. However, it is clear that a system for the protection of the rights of individuals, minorities and national entities has to form a well-rounded and balanced whole. South Africa has its own national composition and our constitutional dispensation has to take this into account. The formal recognition of individual rights does not mean that the problems of a heterogeneous population will simply disappear. Any new constitution which disregards this reality will be inappropriate and even harmful. Naturally, the protection of collective, minority and national rights may not bring about an imbalance in respect of individual rights. It is neither the Government's policy nor its intention that any group - in whichever way it may be defined - shall be favoured above or in relation to any of the others.

The Government is requesting the Law Commission to undertake a further task and report on it. This task is directed at the balanced protection in a future constitution of the human rights of all our citizens, as well as of collective units, associations, minorities and nations. This investigation will also serve the purpose of supporting negotiations towards a new constitution.

The terms of reference also include:

Ø the identification of the main types and models of democratic constitutions which deserve consideration in the aforementioned context;

Ø an analysis of the ways in which the relevant rights are protected in every model; and of possible methods by means of which such constitutions may be made to succeed and be safeguarded in a legitimate manner.

3 The death penalty

The death penalty has been the subject of intensive discussion in recent months. However, the Government has been giving its attention to this extremely sensitive issue for some time. On April the 27th, 1989, the honourable Minister of Justice indicated that there was merit in suggestions for reform in this area. Since 1988 in fact, my predecessor and I have been taking decisions on reprieves which have led, in proportion, to a drastic decline in executions.

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We have now reached the position in which we are able to make concrete proposals for reform. After the Chief Justice was consulted, and he in turn had consulted the Bench, and after the Government had noted the opinions of academics and other interested parties, the Government decided on the following broad principles from a variety of available options:

Ø that reform in this area is indicated;

Ø that the death penalty should be limited as an option of sentence to extreme cases, and specifically through broadening judicial discretion in the imposition of sentence; and o that an automatic right of appeal be granted to those under sentence of death.

Should these proposals be adopted, they should have a significant influence on the imposition of death sentences on the one hand, and on the other, should ensure that every case in which a person has been sentenced to death, will come to the attention of the Appellate Division.

The proposals require that everybody currently awaiting execution, be accorded the benefit of the proposed new approach. Therefore, all executions have been suspended and no executions will take place until Parliament has taken a final decision on the new proposals. In the event of the proposals being adopted, the case of every person involved will be dealt with in accordance with the new guidelines. In the meantime, no executions have taken place since November 14th, 1989.

New and uncompleted cases will still be adjudicated in terms of the existing law. Only when the death sentence is imposed, will the new proposals be applied, as in the case of those currently awaiting execution.

The legislation concerned also entails other related principles which will be announced and elucidated in due course by the Minister of Justice. It will now be formulated in consultation with experts and be submitted to Parliament as soon as possible. I wish to urge everybody to join us in dealing with this highly sensitive issue in a responsible manner.

4 Socio-economic aspects

A changed dispensation implies far more than political and constitutional issues. It cannot be pursued successfully in isolation from problems in other spheres of life which demand practical solutions. Poverty, unemployment, housing shortages, inadequate education and training, illiteracy, health needs and numerous other problems still stand in the way of progress and prosperity and an improved quality of life.

The conservation of the physical and human environment is of cardinal importance to the quality of our existence. For this the Government is developing a strategy with the aid of an investigation by the President's Council.

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All of these challenges are being dealt with urgently and comprehensively. The capability for this has to be created in an economically accountable manner. Consequently existing strategies and aims are undergoing a comprehensive revision.

From this will emanate important policy announcements in the socio-economic sphere by the responsible Ministers during the course of the session. One matter about which it is possible to make a concrete announcement, is the Separate Amenities Act, 1953. Pursuant to my speech before the President's Council late last year, I announce that this Act will be repealed during this Session of Parliament.

The State cannot possibly deal alone with all of the social advancement our circumstances demand. The community at large, and especially the private sector, also have a major responsibility towards the welfare of our country and its people.

5 The economy

A new South Africa is possible only if it is bolstered by a sound and growing economy, with particular emphasis on the creation of employment. With a view to this, the Government has taken thorough cognisance of the advice contained in numerous reports by a variety of advisory bodies. The central message is that South Africa, too, will have to make certain structural changes to its economy, just as its major trading partners had to do a decade or so ago.

The period of exceptionally high economic growth experienced by the Western world in the sixties, was brought to an end by the oil crisis in 1973. Drastic structural adaptations became inevitable for these countries, especially after the second oil crisis in 1979, when serious imbalances occurred in their economies. After considerable sacrifices, those countries which persevered with their structural adjustment programmes, recovered economically so that lengthy periods of high economic growth and low inflation were possible.

During that particular period, South Africa was protected temporarily by the rising gold price from the necessity of making similar adjustments immediately. In fact, the high gold price even brought prosperity with it for a while. The recovery of the world economy and the decline in the price of gold and other primary products, brought with them unhealthy trends. These included high inflation, a serious weakening in the productivity of capital, stagnation in the economy's ability to generate income and employment opportunities. All of this made a drastic structural adjustment of our economy inevitable.

The Government's basic point of departure is to reduce the role of the public sector in the economy and to give the private sector maximum opportunity for optimal performance. In this process, preference has to be given to allowing the market forces and a sound competitive structure to bring about the necessary adjustments.

Naturally, those who make and implement economic policy have a major responsibility at the same time to promote an environment optimally conducive to investment, job creation and economic growth by means of appropriate and properly

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co-ordinated fiscal and monetary policy. The Government remains committed to this balanced and practical approach.

By means of restricting capital expenditure in parastatal institutions, privatisation, deregulation and curtailing government expenditure, substantial progress has been made already towards reducing the role of the authorities in the economy. We shall persist with this in a well-considered way.

This does not mean that the State will forsake its indispensable development role, especially in our particular circumstances. On the contrary, it is the precise intention of the Government to concentrate an equitable portion of its capacity on these aims by means of the meticulous determination of priorities.

Following the progress that has been made in other areas of the economy in recent years, it is now opportune to give particular attention to the supply side of the economy.

Fundamental factors which will contribute to the success of this restructuring are:

- Ø the gradual reduction of inflation to levels comparable to those of our principal trading partners;
- Ø the encouragement of personal initiative and savings;
- Ø the subjection of all economic decisions by the authorities to stringent financial measures and discipline;
- Ø rapid progress with the reform of our system of taxation; and o the encouragement of exports as the impetus for industrialisation and earning foreign exchange.

These and other adjustments, which will require sacrifices, have to be seen as prerequisites for a new period of sustained growth in productive employment in the nineties.

The Government is very much aware of the necessity of proper coordination and consistent implementation of its economic policy. For this reason, the establishment of the necessary structures and expertise to ensure this co-ordination is being given preference. This applies both to the various functions within the Government and to the interaction between the authorities and the private sector.

This is obviously not the occasion for me to deal in greater detail with our total economic strategy or with the recent course of the economy.

I shall confine myself to a few specific remarks on one aspect of fiscal policy that has been a source of criticism of the Government for some time, namely State expenditure.

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The Government's financial year ends only in two months' time and several other important economic indicators for the 1989 calendar year are still subject to refinements at this stage. Nonetheless, several important trends are becoming increasingly dear. I am grateful to be able to say that we have apparently succeeded to a substantial degree in achieving most of our economic aims in the past year.

In respect of Government expenditure, the budget for the current financial year will be the most accurate in many years. The financial figures will show;

Ø that Government expenditure is thoroughly under control;

Ø that our normal financing programme has not exerted any significant upward pressure on rates of interest; and o that we will close the year with a surplus, even without taking the income from the privatisation of Iscor into account.

Without pre-empting this year's main budget, I wish to emphasise that it is also our intention to co-ordinate fiscal and monetary policy in the coming financial year in a way that will enable us to achieve the ensuing goals - namely:

Ø that the present downturn will take the form of a soft landing which will help to make adjustments as easy as possible;

Ø that our economy will consolidate before the next upward phase so that we will be able to grow from a sound base; and o that we shall persist with the implementation of the required structural adaptations in respect, among other things, of the following: easing the tax burden, especially on individuals; sustained and adequate generation of surpluses on the current account of the balance of payments; and the reconstruction of our gold and foreign exchange reserves.

It is a matter of considerable seriousness to the Government, especially in this particular period of our history, to promote a dynamic economy which will make it possible for increasing numbers of people to be employed and share in rising standards of living.

6 Negotiation

In conclusion, I wish to focus the spotlight on the process of negotiation and related issues. At this stage I am refraining deliberately from discussing the merits of numerous political questions which undoubtedly will be debated during the next few weeks. The focus, now, has to fall on negotiation.

Practically every leader agrees that negotiation is the key to reconciliation, peace and a new and just dispensation. However, numerous excuses for refusing to take part are advanced. Some of the reasons being advanced are valid. Others are merely part of a political chess game. And while the game of chess proceeds, valuable time is being lost.

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Against this background I committed the Government during my inauguration to giving active attention to the most important obstacles in the way of negotiation. Today I am able to announce far-reaching decisions in this connection.

I believe that these decisions will shape a new phase in which there will be a movement away from measures which have been seized upon as a justification for confrontation and violence. The emphasis has to move, and will move now, to a debate and discussion of political and economic points of view as part of the process of negotiation.

I wish to urge every political and community leader, in and outside Parliament, to approach the new opportunities which are being created, constructively. There is no time left for advancing all manner of new conditions that will delay the negotiating process.

The steps that have been decided, are the following:

Ø The prohibition of the African National Congress, the Pan Africanist Congress, the South African Communist Party and a number of subsidiary organisations is being rescinded.

Ø People serving prison sentence merely because they were members of one of these organisations or because they committed another offence which was merely an offence because a prohibition on one of the organisations was in force, will be identified and released. Prisoners who have been sentenced for other offences such as murder, terrorism or arson are not affected by this.

Ø The media emergency regulations as well as the education emergency regulations are being abolished in their entirety.

Ø The security emergency regulations will be amended to still make provision for effective control over visual material pertaining to scenes of unrest.

Ø The restrictions in terms of the emergency regulations on 33 organisations are being rescinded. The organisations include the following: National Education Crisis Committees, South African National Student's Congress, United Democratic Front, Cosatu, Die Blanke Bevrydingsbeweging van Suid-Afrika.

Ø The conditions imposed in terms of the security emergency regulations on 374 people on their release, are being rescinded and the regulations which provide for such conditions are being abolished.

Ø The period of detention in terms of the security emergency regulations will be limited henceforth to six months. Detainees also acquire the right to legal representation and a medical practitioner of their own choosing.

These decisions by the Cabinet are in accordance with the Government's declared intention to normalise the political process in South Africa without jeopardising the

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maintenance of good order. They were preceded by thorough and unanimous advice by a group of officials which included members of the security community.

Implementation will be immediate and, where necessary, notices will appear in the Government Gazette from tomorrow. The most important facets of the advice the Government received in this connection, are the following:

Ø The events in the Soviet Union and Eastern Europe, to which I have referred already, weaken the capability of organisations which were previously supported strongly from those quarters.

Ø The activities of the organisations from which the prohibitions are now being lifted, no longer entail the same degree of threat to internal security which initially necessitated the imposition of the prohibition.

o There have been important shifts of emphasis in the statements and points of view of the most important of the organisations concerned, which indicate a new approach and a preference for peaceful solutions.

Ø The South African Police is convinced that it is able, in the present circumstances, to combat violence and other crimes perpetrated also by members of these organisations and to bring offenders to justice without the aid of prohibitions on organisations.

About one matter there should be no doubt. The lifting of the prohibition on the said organisations does not signify in the least the approval or condonation of terrorism or crimes of violence committed under the banner or which may be perpetrated in the future. Equally, it should not be interpreted as a deviation from the Government's principles, among other things, against their economic policy and aspects of their constitutional policy. This will be dealt with in debate and negotiation.

At the same time I wish to emphasise that the maintenance of law and order dares not be jeopardised. The Government will not forsake its duty in this connection. Violence from whichever source, will be fought with all available might. Peaceful protest may not become the springboard for lawlessness, violence and intimidation. No democratic country can tolerate that.

Strong emphasis will be placed as well on even more effective law enforcement. Proper provision of manpower and means for the police and all who are involved with the enforcement of the law, will be ensured. In fact, the budget for the coming financial year will already begin to give effect to this.

I wish to thank the members of our security forces and related services for the dedicated service they have rendered the Republic of South Africa. Their dedication makes reform in a stable climate possible.

On the state of emergency I have been advised that an emergency situation, which justifies these special measures which have been retained, still exists. There is still conflict which is manifesting itself mainly in Natal, but as a consequence of the

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countrywide political power struggle. In addition, there are indications that radicals are still trying to disrupt the possibilities of negotiation by means of mass violence.

It is my intention to terminate the state of emergency completely as soon as circumstances justify it and I request the co-operation of everybody towards this end. Those responsible for unrest and conflict have to bear the blame for the continuing state of emergency. In the mean time, the state of emergency is inhibiting only those who use chaos and disorder as political instruments. Otherwise the rules of the game under the state of emergency are the same for everybody.

Against this background the Government is convinced that the decisions I have announced are justified from the security point of view. However, these decisions are justified from a political point of view as well.

Our country and all its people have been embroiled in conflict, tension and violent struggle for decades. It is time for us to break out of the cycle of violence and break through to peace and reconciliation. The silent majority is yearning for this. The youth deserve it.

With the steps the Government has taken it has proven its good faith and the table is laid for sensible leaders to begin talking about a new dispensation, to reach an understanding by way of dialogue and discussion.

The agenda is open and the overall aims to which we are aspiring should be acceptable to all reasonable South Africans.

Among other things, those aims include a new, democratic constitution; universal franchise; no domination; equality before an independent judiciary; the protection of minorities as well as of individual rights; freedom of religion; a sound economy based on proven economic principles and private enterprise; dynamic programmes directed at better education, health services, housing and social conditions for all.

In this connection Mr Nelson Mandela could play an important part. The Government has noted that he has declared himself to be willing to make a constructive contribution to the peaceful political process in South Africa.

I wish to put it plainly that the Government has taken a firm decision to release Mr Mandela unconditionally. I am serious about bringing this matter to finality without delay. The Government will take a decision soon on the date of his release. Unfortunately, a further short passage of time is unavoidable.

Normally there is a certain passage of time between the decision to release and the actual release because of logistical and administrative requirements. In the case of Mr Mandela there are factors in the way of his immediate release, of which his personal circumstances and safety are not the least. He has not been an ordinary prisoner for quite some time. Because of that, his case requires particular circumspection.

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Today's announcements, in particular, go to the heart of what Black leaders - also Mr Mandela - have been advancing over the years as their reason for having resorted to violence. The allegation has been that the Government did not wish to talk to them and that they were deprived of their right to normal political activity by the prohibition of their organisations.

Without conceding that violence has ever been justified, I wish to say today to those who argued in this manner:

- Ø The Government wishes to talk to all leaders who seek peace.
- Ø The unconditional lifting of the prohibition on the said organisations places everybody in a position to pursue politics freely.
- Ø The justification for violence which was always advanced, no longer exists.

These facts place everybody in South Africa before a fait accompli. On the basis of numerous previous statements there is no longer any reasonable excuse for the continuation of violence. The time for talking has arrived and whoever still makes excuses does not really wish to talk.

Therefore, I repeat my invitation with greater conviction than ever:

Walk through the open door, take your place at the negotiating table together with the Government and other leaders who have important power bases inside and outside of Parliament.

Henceforth, everybody's political points of view will be tested against their realism, their workability and their fairness. The time for negotiation has arrived.

To those political leaders who have always resisted violence I say thank you for your principled stands. This includes all the leaders of parliamentary parties, leaders of important organisations and movements, such as Chief Minister Buthelezi, all of the other Chief Ministers and urban community leaders.

Through their participation and discussion they have made an important contribution to this moment in which the process of free political participation is able to be restored. Their places in the negotiating process are assured.

Conclusion

In my inaugural address I said the following:

All reasonable people in this country - by far the majority - anxiously await a message of hope. It is our responsibility as leaders in all spheres to provide that message realistically, with courage and conviction. If we fail in that, the ensuing chaos, the demise of stability and progress, will for ever be held against us.

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History has thrust upon the leadership of this country the tremendous responsibility to turn our country away from its present direction of conflict and confrontation. Only we, the leaders of our peoples, can do it.

The eyes of responsible governments across the world are focused on us. The hopes of millions of South Africans are centred around us. The future of Southern Africa depends on us. We dare not falter or fail.

This is where we stand:

- Ø Deeply under the impression of our responsibility.
- Ø Humble in the face of the tremendous challenges ahead.
- Ø Determined to move forward in faith and with conviction.

I ask of Parliament to assist me on the road ahead. There is much to be done.

I call on the international community to re-evaluate its position and to adopt a positive attitude towards the dynamic evolution which is taking place in South Africa.

I pray that the Almighty Lord will guide and sustain us on our course through unchartered waters and will bless your labours and deliberations.

Mr Speaker, Members of Parliament,

I now declare this Second Session of the Ninth Parliament of the Republic of South Africa to be duly opened.

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APPENDIX VI:

Nelson Mandela's inaugural speech as the first black President of South Africa (1994)

STATEMENT OF THE PRESIDENT OF THE AFRICAN NATIONAL CONGRESS, NELSON MANDELA, AT HIS INAUGURATION AS PRESIDENT OF THE DEMOCRATIC REPUBLIC OF SOUTH AFRICA, UNION BUILDINGS, PRETORIA, MAY 10 1994

Your Majesties, Your Highnesses, Distinguished Guests, Comrades and Friends:

Today, all of us do, by our presence here, and by our celebrations in other parts of our country and the world, confer glory and hope to newborn liberty.

Out of the experience of an extraordinary human disaster that lasted too long, must be born a society of which all humanity will be proud.

Our daily deeds as ordinary South Africans must produce an actual South African reality that will reinforce humanity's belief in justice, strengthen its confidence in the nobility of the human soul and sustain all our hopes for a glorious life for all.

All this we owe both to ourselves and to the peoples of the world who are so well represented here today.

To my compatriots, I have no hesitation in saying that each one of us is as intimately attached to the soil of this beautiful country as are the famous jacaranda trees of Pretoria and the mimosa trees of the bushveld.

Each time one of us touches the soil of this land, we feel a sense of personal renewal. The national mood changes as the seasons change.

We are moved by a sense of joy and exhilaration when the grass turns green and the flowers bloom.

That spiritual and physical oneness we all share with this common homeland explains the depth of the pain we all carried in our hearts as we saw our country tear itself apart in a terrible conflict, and as we saw it spurned, outlawed and isolated by the peoples of the world, precisely because it has become the universal base of the pernicious ideology and practice of racism and racial oppression.

We, the people of South Africa, feel fulfilled that humanity has taken us back into its bosom, that we, who were outlaws not so long ago, have today been given the rare privilege to be host to the nations of the world on our own soil.

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We thank all our distinguished international guests for having come to take possession with the people of our country of what is, after all, a common victory for justice, for peace, for human dignity.

We trust that you will continue to stand by us as we tackle the challenges of building peace, prosperity, non-sexism, non-racialism and democracy.

We deeply appreciate the role that the masses of our people and their political mass democratic, religious, women, youth, business, traditional and other leaders have played to bring about this conclusion. Not least among them is my Second Deputy President, the Honourable F.W. de Klerk.

We would also like to pay tribute to our security forces, in all their ranks, for the distinguished role they have played in securing our first democratic elections and the transition to democracy, from blood-thirsty forces which still refuse to see the light.

The time for the healing of the wounds has come.

The moment to bridge the chasms that divide us has come.

The time to build is upon us.

We have, at last, achieved our political emancipation. We pledge ourselves to liberate all our people from the continuing bondage of poverty, deprivation, suffering, gender and other discrimination.

We succeeded to take our last steps to freedom in conditions of relative peace. We commit ourselves to the construction of a complete, just and lasting peace.

We have triumphed in the effort to implant hope in the breasts of the millions of our people. We enter into a covenant that we shall build the society in which all South Africans, both black and white, will be able to walk tall, without any fear in their hearts, assured of their inalienable right to human dignity - a rainbow nation at peace with itself and the world.

As a token of its commitment to the renewal of our country, the new Interim Government of National Unity will, as a matter of urgency, address the issue of amnesty for various categories of our people who are currently serving terms of imprisonment.

We dedicate this day to all the heroes and heroines in this country and the rest of the world who sacrificed in many ways and surrendered their lives so that we could be free.

Their dreams have become reality. Freedom is their reward.

We are both humbled and elevated by the honour and privilege that you, the people of South Africa, have bestowed on us, as the first President of a united, democratic,

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non-racial and non-sexist South Africa, to lead our country out of the valley of darkness.

We understand it still that there is no easy road to freedom.

We know it well that none of us acting alone can achieve success.

We must therefore act together as a united people, for national reconciliation, for nation building, for the birth of a new world.

Let there be justice for all.

Let there be peace for all.

Let there be work, bread, water and salt for all.

Let each know that for each the body, the mind and the soul have been freed to fulfill themselves.

Never, never and never again shall it be that this beautiful land will again experience the oppression of one by another and suffer the indignity of being the skunk of the world.

Let freedom reign.

The sun shall never set on so glorious a human achievement!

God bless Africa!

Thank you.

APPENDIX VII:

**The Constitution of South Africa of 1996
(Bill of Rights /Chapter Two)**

We, the people of South Africa,

Recognise the injustices of our past;

Honour those who suffered for justice and freedom in our land;

Respect those who have worked to build and develop our country;

And Believe that South Africa belongs to all who live in it, united in our diversity.

We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to –

Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;

Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law;

Improve the quality of life of all citizens and free the potential of each person; and

Build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.

May God protect our people.

Nkosi Sikelel'iAfrika. Morena boloka setjhaba sa beso.

God seen Suid-Afrika.

God bless South Africa.

Mudzimu fhatutshedza Afurika. Hosi katekisa Afrika.Chap

1. Republic of South Africa
The Republic of South Africa is one, sovereign, democratic state founded on the following values:

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(a) Human dignity, the achievement of equality and the advancement of human rights and freedoms.

(b) Non-racialism and non-sexism.

(c) Supremacy of the constitution and the rule of law.

(d) Universal adult suffrage, a national common voters roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness.

Chapter 2 Bill of Rights

7. Rights

(1) This Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.

(2) The state must respect, protect, promote and fulfil the rights in the Bill of Rights.

(3) The rights in the Bill of Rights are subject to the limitations contained or referred to in section 36,

or elsewhere in the Bill.

8. Application

(1) The Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state.

(2) A provision of the Bill of Rights binds a natural or a juristic person if, and to the extent that, it is applicable, taking into account the nature of the right and the nature of any duty imposed by the right.

(3) When applying a provision of the Bill of Rights to a natural or juristic person in terms of subsection

(2), a court

a) in order to give effect to a right in the Bill, must apply, or if necessary develop, the common law to the extent that legislation does not give effect to that right; and

b) may develop rules of the common law to limit the right, provided that the limitation is in accordance with section 36(1)

(4) A juristic person is entitled to the rights in the Bill of Rights to the extent required by the nature of the rights and the nature of that juristic person.

9. Equality

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(1) Everyone is equal before the law and has the right to equal protection and benefit of the law.

(2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.

(3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

(4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection

(3). National legislation must be enacted to prevent or prohibit unfair discrimination.

(5) Discrimination on one or more of the grounds listed in subsection

(3) is unfair unless it is established that the discrimination is fair.

10. Human dignity Everyone has inherent dignity and the right to have their dignity respected and protected.

" المؤتمر الوطني الإفريقي في مرحلة الانتقال: من حركة نضالية إلى حزب حاكم " (1961-1999)

الملخص:

تهدف هذه الدراسة أولاً إلى تحليل المسيرة التاريخية للمؤتمر الوطني الإفريقي و كذا نضاله من أجل جنوب إفريقيا الديمقراطية. كانت البلاد بالفعل جد محطمة بسبب التشريع الفعلي للقوانين العنصرية ضد السود من طرف حكومات البيض المتعاقبة. في هذا الجو القمعي ظهر المؤتمر الوطني الديمقراطي كأول الأحزاب السياسية التي ناضلت لعشرات السنين من أجل إنهاء التمييز العنصري. بالإضافة إلى أن الحزب، قاوم بالطرق السلمية إلى أن أُضطر إلى اختيار المقاومة المسلحة كآخر مرحلة لهذا الخلاف الدائم.

تهدف أيضاً هذه الأطروحة إلى دراسة المؤتمر الوطني الديمقراطي كأول حزب سياسي للسود يحكم جنوب إفريقيا الديمقراطية.

كلمات مفتاحية: جنوب إفريقيا- المقاومة- التمييز العنصري- المؤتمر الوطني الإفريقي.

« Le Congrès National Africain en Transition : D'un Mouvement de Résistance en parti au pouvoir (1961-1999) »

Résumé :

Cette étude vise d'abord à examiner le parcours historique du Congrès National Africain et son combat pour une Afrique du Sud démocratique. En effet, le pays a été profondément divisé à cause de la promulgation officielle des lois discriminatoires contre les noirs par les différents gouvernements des blancs. Dans cette atmosphère oppressive, le Congrès a émergé comme l'un des Parties Africains les plus influents qui a combattu pendant des décennies pour mettre fin à la ségrégation raciale. En outre, le Parti résista pacifiquement mais était contraint de choisir la résistance armée comme la phase finale contre un combat sans fin. Cette thèse vise également à étudier le Congrès National Africain comme le premier Parti politique de race noire à gouverner une Afrique du Sud démocratique à travers son leader Nelson Mandela.

Mots clés : Afrique du sud- résistance- discrimination- Congrès National Africain.

« The African National Congress in Transition: from a resistance Movement to a political Party (1961-1999) »

Abstract:

This study aims first to examine the historic journey of the African National Congress and its struggle for a democratic South Africa. Indeed, the country had been profoundly shattered because of the official enactment of the discriminatory laws against the Blacks by the successive white governments. In this oppressive atmosphere, the African National Congress emerged as one of the pioneering black political parties that fought for decades to end racial segregation. Moreover, the ANC resisted peacefully, but it was then compelled to choose the armed struggle as a final phase for an everlasting conflict. The thesis also aims to study the ANC as the first black political party to rule a democratic South Africa through its prominent and inspiring leader Nelson Mandela.

Key words: South Africa- resistance- discrimination- African National Congress