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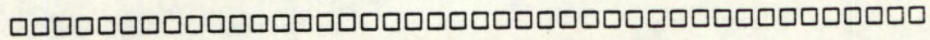
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LONG LIVE AAPSO

SECHABA

AUGUST ISSUE 1984



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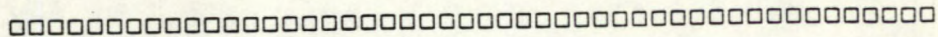
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Cover Captions

The picture on the front cover of this issue shows the platform at the Sixth Congress of the Afro-Asian People's Solidarity Organisation, which was held in Algiers in May. In the picture, from left to right, are: Sherif Messaidy, Permanent Secretary of the National Liberation Front of Algeria, Nouri Abdel Razzak, Secretary-General of AAPSO, and Comrade Alfred Nzo, Vice-President of AAPSO and Secretary-General of the ANC.

The picture on the back cover is of Comrade Jeannette Schoon, born Curtis, who, with her child, was killed by a parcel bomb late in June (see obituary).



EDITORIAL

The Swaziland 'linkage'— a Double-Edged Sword

"The ANC Must Get Out," ran the headlines of the *Times* of Swaziland (16th April 1984) after the same paper had commented on 11th April:

"... the position of the ANC in Swaziland hangs in the balance as numerous discussions are held throughout Southern Africa to discuss the organisation's future."

The *Swazi Observer* (16th April 1984) was even more melodramatic:

"If you see a snake, even if it is not vicious, about to enter your house, you will not wait until the snake gets inside the house. You will immediately defend your family and protect them from being bitten by the snake, by crushing its head with a sledgehammer.

"In such circumstances one cannot get orders from neighbours to leave the snake alone just because it is not harmful. It is always the house owner who feels the pinch and should act swiftly

to avert the loss of human life in the house as a result of snake bite."

This "snake" is supposed to be the ANC, whose members are sometimes called in the Swazi press, "gun-slinging bandits."

These were remarks made after Swaziland had mobilised its entire police and armed forces to round up all members of the ANC, after a clash in April between the Swazi police and ANC guerrillas.

We shall refrain from commenting on the *casus belli*; let us deal with the *causa belli*.

Since the dismissal in March 1983 of former Prime Minister, Prince Mabandla Dlamini, an intensified power struggle within the Swazi ruling class has developed. The dismissal itself was a product of this power struggle between the two factions within the ruling class.

One faction has strong links to the Tibiyo Taka Ngwane Fund — a principal vehicle for capital accumulation by sections of the Swazi ruling royalist alliance. It is well represented in the 'traditional' institutions of the Swazi

monarchy, particularly the **Liqoqo** (Supreme Council of State), and favours the maintenance of a 'traditionalist' form of state, in which **Tibiyo** enjoys a high degree of official patronage without being subject to any significant control by government departments. **Tibiyo** holds shares in a number of South African firms operating in Swaziland, and the faction around **Tibiyo** maintains close links with South African capital and generally favours policies which maintain and even deepen such links.

The other faction – less coherently organised and based on class forces less closely linked to the **Tibiyo** – while favouring the maintenance of capitalism, advocates policies which would bring the **Tibiyo** under the control of government departments and eliminate some of the more blatant forms of corruption. It does not challenge the dominance of South African capital over the Swazi economy, but it does favour a foreign policy stance in which Swaziland would be less openly aligned with South Africa and marginally less dependent on South African capitalism. Even this is not acceptable to racist South Africa – hence the dismissal of Prime Minister Prince Mabandla Dlamini and Queen Regent Dzeliwa.

Swaziland is a contradiction-ridden country. These factional squabbles and contradictions dominate the political scene in Swaziland partly because of the absence of any effective and meaningful movement of the popular masses. But the collaborationist

stance towards South Africa is very unpopular and tends to draw into active political struggle various strata outside of the narrow ruling royalist circles.

But what has all this to do with conflicts between Swaziland and ANC?

The secret signing of the so-called non-aggression pact in 1982 between South Africa and Swaziland was not only meant to be "an example to be followed" by other countries in the region but also meant as a pretext for direct interference and intervention by the South African regime in the internal affairs and politics of Swaziland. The relative independence and sovereignty Swaziland had was sacrificed on the altar of "good neighbourly relations." Not only was Prime Minister Prince Mabandla Dlamini sacked, but also Queen Regent Dzeliwa was dismissed, students and teachers harassed – one noticed an erosion of democratic life in Swaziland. This was followed by another aspect of this 'linkage' – **THE ANC MUST GET OUT.**

We have always stated that the peoples of Southern Africa should be careful about the 'linkage' theories emanating from Washington and Pretoria. There is always more to it than the eye can discern. Sometimes they talk about the 'linkage' of the independence of Namibia to the presence of the internationalist Cuban forces in Angola – a totally separate issue – and in the same vein they talk about the 'linkage' between "good neighbourly relations" with South Africa and the

expulsion of the ANC in Southern Africa.

Swaziland, a signatory of the United Nations Charter on refugees, is expelling refugees. What then will be the task of the United Nations High Commission for Refugees? What about the United Nations broadcasts against apartheid?

This 'linkage' business has ominous effects on and repercussions for the tender and vulnerable democracies which are emerging in Southern Africa. The sovereignty of these countries is at stake. Racist South Africa wants to bully and rule them as if they were

bantustans, under the guise of "good neighbourly relations."

Let us hasten to overthrow apartheid, and liberate the region of Southern Africa. Let us hasten to overthrow apartheid, and save the sovereignty of newly independent states in our region. Let us hasten to overthrow apartheid, and lay the basis for good neighbourly relations between the truly independent peoples of Southern Africa. Let us hasten to overthrow apartheid, and build African unity, and save the OAU from the splitting tactics of Pretoria and Washington!



SIXTH AAPSO CONGRESS

INTERVIEW WITH
COMRADE ALFRED NZO

THE ANC HAS A PLACE IN THE ANTI-IMPERIALIST MOVEMENT

The Sixth Congress of the Afro-Asian People's Solidarity Organisation (AAPSO) took place in Algiers from the 27th to the 30th May. This representative international forum, attended by more than 100 delegations from Africa and Asia, national liberation movements and a number of international organisations, summed up the results of AAPSO's activities during the 12 years since the Fifth Congress. It also discussed a strategy for the future. At the end of the Congress, Comrade Alfred Nzo, Secretary-General of the ANC and leader of the ANC delegation to the Congress, spoke to Mavis Nhlapo, who interviewed him on behalf of 'Sechaba.'

Q. Comrade Nzo, what were your impressions of the political content of the Sixth AAPSO Congress?

A. AAPSO Congresses have been in the past, and continue to be, platforms where revol-

utionaries not only from Africa and Asia but from other parts of the world come together to discuss problems that affect literally the rest of humanity. The Sixth Congress was therefore one such platform. Assembled in Algeria were not only the AAPSO National Committees from Africa and Asia, but their allies, the Afro-Asian Peoples' Organisation from the Socialist countries — that is, solidarity committees from the Socialist countries — solidarity committees in Western Europe, solidarity committees and peoples' revolutionary movements from Latin America and also from North America. Therefore there was an opportunity to discuss not only the problems of Southern Africa, Africa and Asia, but also problems that affect people in other parts of the world, especially problems that are brought about by the continuing imperialist aggression against the people in Western Europe, in Latin America and in the heart of the imperialist system — the United States it-

self. It was therefore appropriate that this meeting should concern itself also with problems of world peace.

The argument was that the activities of international imperialism, especially the Reagan Administration, that reflect themselves in the mad rush to rearm the imperialist countries with nuclear weapons and other weapons of mass destruction, is not the concern of the peoples of Europe alone, who are supposedly most threatened by nuclear rearmament. It has been variously stated that the nuclear stockpiles today in the world can destroy our planet fifteen times. This therefore means that Africa and Asia are not isolated from the one planet in which everybody lives. It was therefore necessary for the Congress to discuss this problem, and pledge to align the people of Africa and Asia in the general struggle for world peace and security.

The problems of the people of Palestine and imperialist aggression in their region were also considered. In this respect the aggression of Israel, with the support of the United States and other imperialist countries, against not only the Palestinian people but the people of Lebanon in particular, was considered. Naturally, the forces represented in the Sixth Congress pledged their support to the PLO and the people of Palestine in their struggle to win their right to self-determination (including their right to establish their own state), support for the progressive forces and people of Lebanon in their heroic stand against Israel and imperialist aggression, support for Syria and, in general, support for the Arab liberation movement.

It was also appropriate that the Congress concern itself with the position of the peoples of Southern Africa, particularly in the light of the aggressive offensive against these peoples, that is being launched now by the apartheid regime, assisted by imperialism, and that has found reflection in the so-called Accords which the regime has signed with some countries of Southern Africa. It was important for the blame for this offensive to be placed squarely at the doorstep of these aggressive forces that are using the South

African regime for carrying out their global strategy, directed at the progressive movement of the peoples throughout the world.

The forces of imperialism, which are today directing the activities of the South African regime, have been responsible for the centuries-old colonial aggression against these peoples, who, after attaining their victories, are faced with the disastrous colonial legacy of having to rebuild their countries. While they are at a stage of doing that, then the aggressive forces of the regime take advantage of their weakness and impose their own strategies on these countries, seeking to interrupt their independent development. The Congress thoroughly discussed the impact that this has, not only on the further progress of independent states, but also on the progress of the national revolutions of those peoples that are still engaged in struggle, like the peoples of South Africa and Namibia. Thus the people of Africa and Asia and their allies from other parts of the world pledged their continued support and solidarity with the forces of revolutionary change in South Africa as led by the ANC and Namibia as led by SWAPO.

The Congress also concerned itself with imperialist aggression, especially that of the Reagan Administration, against the peoples of Latin America, its attempts to put obstacles to the independent development of countries such as Nicaragua, its support for reactionary forces in countries such as El Salvador, its persistent threats against the Socialist Republic of Cuba and others. Once again here, the solidarity of the peoples of Africa and Asia for their allies in Latin America was underlined.

Solidarity was also expressed with the peoples of the Korean peninsula in their struggle for the reunification of their country and against aggressive alliances such as the growing alliance between United States imperialism, Japan and South Korea, and the danger it poses to peace in the region. The strategic objective of this alliance is to interrupt the progress of the Socialist countries and roll

back the progress of the people in the entire region.

It was also important for AAPSO to look back at the further development of the newly independent states, that it has so valiantly assisted to attain their political independence, and see what can be done to consolidate that independence by assisting in the development programmes of these countries. This is because of the understanding that political independence cannot consolidate the country but that economic independence must be enhanced to defend the independence of the country. For this reason there was a Commission established by the Congress to deal with this issue. It is therefore hoped that in the coming period progressive forces will pay attention to this problem, because it is precisely this which makes imperialism take advantage to advance its strategy against these countries.

It should therefore be clear from the above that the political content of the Congress was certainly in the interests of the national liberation revolutions that are being waged by the peoples of the world, and in the interests of the preservation of the peace and security of the peoples of the world.

Q. Coming back to Southern Africa, how would you say the Congress assessed recent developments, particularly the apparent offensive launched by the Pretoria regime, aimed at blackmailing the countries of Southern Africa into entering so-called peace accords with the regime?

A. The Congress, naturally in solidarity with the newly independent peoples, placed the blame squarely on the aggressive forces, first and foremost the apartheid regime, which, in its offensive, is also all out to support the general imperialist aggressive strategy against the newly independent peoples. The important thing here was that the Congress recognised that it is absolutely essential that support be intensified for the Front Line States for them to be able to withstand the offensive by the regime. In the process, those of our brothers
6 who have already been browbeaten and black-

mailed into signing accords should recognise the fact that their place continues to belong with the rest of the progressive and democratic forces, and in support of the national and social liberation struggles of the peoples.

Q. The problems of the Middle East seem particularly complex at the present time. How did the Congress tackle these?

A. The problems of the Middle East, especially as they relate to the aggressive strategy that is being employed, rest squarely on the platform of what is usually called the Camp David Accords that were signed by Israel and Egypt. It was therefore only appropriate that in the discussion of this problem reference was continually made to the fact that the constant aggression against the peoples of that region, particularly the people of Lebanon, is an attempt to destroy the Palestinian revolution and the PLO, which is the leading force in that revolution. The most direct intervention on the side of Israel by imperialist forces is well shown in the knocking together of so-called peace-keeping forces. This meant the intervention of American, British and French imperialism against the people of Lebanon and against the peoples of the whole region.

In this respect, naturally, the valiant resistance of the peoples, led by the progressive forces in Lebanon and of the Palestinian revolution, put obstacles to the implementation of this aggressive strategy and led to the virtual drawing away of these imperialists from Lebanon. In considering this problem, therefore, the Congress pledged solidarity with the PLO and other progressive forces in the region. From that Congress the peoples of the area would rest assured that the solidarity of the peoples of Africa and Asia and that of the other progressive forces is assured. That, naturally, must be a source of inspiration for them to continue to valiantly resist imperialist aggression.

Q. Comrade Nzo, our critics have always accused us of being influenced by the Soviet

Union, of being "stooges and satellites of the Soviet Union." One of the examples they give to justify this claim is our active participation in the international democratic and peace movements. Can you, as one of the vice-presidents of AAPSO, give reasons for the participation of the ANC in these movements, particularly in AAPSO?

A. Our participation in these democratic movements of the peoples is a reflection of the consolidation of the policies that were laid down very strictly by the founding fathers of our movement in 1912. To remind the world about our participation: one of the most important slogans adopted by the ANC, and which has lived throughout the years, has been, "Africa! Mayibuye!"

The founding fathers of our organisation recognised the fact that it will be important for our people to realise that their struggle is intricately bound, as reflected in the slogan, to the struggle of the people in the rest of the continent. Carrying that forward logically, the struggle of the people of South Africa is clearly bound up with the struggles of the rest of humanity, both in Africa and abroad. Therefore, in implementing this behest of our founding fathers, the African National Congress has continued to be on all progressive platforms of the peoples of the world.

It is no accident, therefore, that the ANC is participating in peoples' forums such as the AAPSO. In fact, we participated in this movement even before the birth of AAPSO itself. The idea was mooted at the Bandung Conference, when we sent emissaries, unforgettable revolutionaries of the South African struggle such as Moses Kotane, to represent our people. The Bandung Conference mooted the idea of Afro-Asian solidarity, and led to the eventual establishment of AAPSO.

Similarly, as the world peace movement develops, the ANC has been actively participating in this movement. We have had the honour of being Vice-President both of AAPSO and the World Peace Council. This is a reflection of an understanding by the ANC that it is absolutely essential for our people to be

involved in the progressive movements, not only for selfish ends, which means we would be involved simply because we want solidarity with our own struggle, but because of the understanding that the enemy that faces mankind is one — and that is international imperialism and its variants. It is necessary, therefore, for the various contingents of forces confronting the enemy to work together and unite. The ANC irreversibly occupies a place in this whole anti-imperialist movement. That is why we are participating in it.

We have therefore rejected, with the contempt it deserves, the allegation that is made by the enemies of our people, that we are tools of the Soviet Union, tools of international Communism, that we are tools of forces that are supposed to be alien to our people. We reject this with contempt! Of course we recognise that these are attempts that the enemy is making to have our people isolated from the mainstream of the revolutionary movement of the peoples of the world, for the sole purpose of perpetuating their oppression. We refuse to be isolated. We recognise instead that the Soviet Union and other Socialist countries are our dependable allies, from whom no force is going to succeed in separating us. Therefore, being partisans to the peace movement of the peoples, we shall continuously play our role in this movement.

Q. How would you assess the final outcome of the Sixth Congress of AAPSO?

A. It should be clear from what we said before that the Sixth Congress of AAPSO has succeeded in consolidating the solidarity movement of the peoples of Africa and Asia behind the struggle of our people, and of course behind the struggle of the people of Namibia. The Sixth Congress has also given notice to the aggressive forces internationally that our peoples are not about to be isolated from their participation in the struggles of mankind as a whole against the threatening thermonuclear catastrophe.

LAW AND POLITICS IN SOUTHERN AFRICA

By Kader Asmal - Part II

THE LEGAL STATUS OF NATIONAL LIBERATION MOVEMENT

This is the second part of a paper originally read at a conference in London in April 1984. We are publishing it in four parts.

The right to self-determination is therefore a recognition of the collective rights of a national entity which is accorded rights under the Charter and under international law. The recognition of the rights of a people is important as it presupposes that such rights will be or can be pursued or vindicated through the instrument of a public body known as a national liberation movement and that the struggle itself is thereby accorded a legal status in international law.

The consequences of this evolution of the law are far-reaching because "it represents an important movement away from the old view under which international law rights pertain only to States and Governments and not to groups of individuals." (11) Liberation movements recognised by the United Nations have, therefore, (especially where there is a regional organisation such as the OAU to espouse its claim) the capacity of existence at the level of international law, as they are the legally prescribed instruments for the vindication of the right to self-determination. Without such a recognition, the right to resistance, which is connected with a viable entity and accompanying political institutions, is devoid of meaning.

The creative development of international law in support of the rights of subject peoples fighting against the tyranny and violence of colonialism, racism and apartheid shows that international law adopts empirical tests as far as personality is concerned and the early statement of the Secretary-General of the UN that "Practice has abandoned the doctrine that States are the exclusive subjects of international rights and obligations," (12) has been upheld by subsequent practice concerning national liberation movements.

In jurisprudential terms, this development has had extraordinary effects. 'Colonial' issues, including the issue of apartheid and racism in South Africa, are removed from the restrictions of the domestic jurisdiction clause

of Article 2 (7) of the Charter; sovereignty vests in the people of the territory and not in the colonial power, and the liberation movement has interim personality, as the representative of the peoples of the territory in question.

The impetus for this development came from the struggles of the peoples of Angola, Mozambique and Guine-Bissau in the sixties, and the formula used by the General Assembly and the Security Council to a lesser extent, was applied to other situations. At the twentieth session in 1965, the General Assembly for the first time recognised the "legitimacy of the struggles by the peoples under colonial rule to exercise their right to self-determination and independence" and at the same time it invited "all States to provide material and moral assistance to the national liberation movements in colonial territories." The following year, the General Assembly went one step further and stated that the preservation of colonialism and its manifestations, including racism and apartheid, were incompatible with the Charter and the Declaration of Decolonisation. It further declared that colonialism threatened international peace and security and that the practice of apartheid constituted a crime against humanity, a characterisation which was to have important legal repercussions in the years ahead.

The representative nature of liberation movements was first applied by the General Assembly to the movements fighting Portuguese colonialism in Africa. As far as extant movements are concerned, the South West African People's Organisation of Namibia, established in 1960 and which began the armed struggle following the disgraceful judgment of the International Court of Justice in 1966, was recognised by the General Assembly as the 'authentic representative of the Namibian people,' and the Assembly supported its efforts to strengthen national unity and requested an active commitment by all Governments, international organisations and national bodies to channel aid —financial,

material or otherwise — through SWAPO. (Resolution 3111 XXVIII)

However, three years later, the General Assembly recognised SWAPO as the sole and authentic representative of the Namibian people and supported its armed struggle for self-determination, freedom and national independence, and invited States to provide assistance for this struggle. Significantly, the Assembly invited SWAPO to participate as an observer in the work and sessions of the General Assembly and in all conferences convened under the auspices of the Assembly (later to include all UN bodies). In relation to the implementation of Resolution 385 of 1976, concerned with elections for a transfer of power in Namibia, whose initial impetus has been obscured by the intervention in 1977 of the five Western Contact States, the General Assembly, at the Ninth Special Session in 1978, insisted that independence talks between SWAPO and the representatives of the South African regime, under the auspices of the United Nations, must be for the sole purpose of discussing the modalities for the transfer of power to the people of Namibia, and rejected the pretensions of the South African-sponsored groups in Namibia whom South Africa was intending to put forward as an alternative to SWAPO.

SWAPO has, as a result, enjoyed a special status representing its role as the organ for the self-determination for Namibia, reflecting special international status of the territory. It enjoys also a special relationship with the United Nations Council for Namibia in the implementation of various UN policy decisions.

The situation in South Africa, arising out of the official State policy of apartheid, has led to United Nations intervention since when the General Assembly was first seized of the issue. The systematic and violent imposition of the official policy of the state and large-scale extent of western involvement in the economic, military and diplomatic support for the system have made the apartheid issue one of the crucial legal problems of our time. More resolutions of the General Assembly, the Security Council and the associates



or subsidiary organs of the UN have been passed on the issue of apartheid than on any other international situation or dispute. Through these repeated resolutions which have assisted in legal developments, the international community has recognised that the apartheid system and the situation in South Africa are special cases, requiring exceptional

responses both from the world body and international law.

There has been a clear recognition that apartheid is more than a matter of human rights whereby amelioration of the plight of the twenty million blacks would lead to improvements in the situation there. The development of the law over the past three dec-

ades has followed the following pattern. The linking of racial equality with decolonisation and self-determination, the development of the norm of non-discrimination, the recognition of apartheid as a crime against humanity (now clearly reflected in the International Convention on the Suppression and Punishment of the Crime of Apartheid of 1973 which, like the Genocide Convention, imposes individual responsibility for such a crime) and the insistence of the General Assembly that the situation in South Africa is a threat to international peace and security (partially recognised by the Security Council by the taking of Chapter VII Charter action against a member state forbidding the export of arms and military materials to South Africa) culminated in a recognition that the South African regime is illegitimate.

This dramatic conclusion was reached by the General Assembly (13) when it declared that the "racist regime of South Africa is illegitimate and has no right to represent the people of South Africa." Associated with this was the reaffirmation of the "legitimacy of the struggle of the oppressed people of South Africa and their liberation movements, by all possible means, for the seizure of power by the people and the exercise of their inalienable rights to self-determination," and the further and important recognition of the national liberation movement of South Africa as the "authentic representative of the overwhelming majority of the South African people."

To reach this conclusion, the world community had first to evaluate the nature of the South African state. Although ostensibly meeting the criteria of statehood — permanent population, defined territory, a government and the capacity to enter into relations with other states — the South African regime represents not the classical features of salt-water colonialism (to which the decolonisation process and the right of self-determination automatically apply) but a colonialism of a special kind, where the colonisers and the colonised live in the same territory, and where the racial minority, in their laws and in the Con-

stitution itself, consider and treat the majority as rightless aliens in their own country. The Bantustan system, with its inner 'logic' of ultimately dividing South Africa into a number of territorial units with an alleged independent status granted by the colonial parliament, will remove citizenship rights for all 'citizens' of the Bantustans. The Bantustan policy, more sharply than any other manifestation of apartheid, shows the classical features of a colonial administration conferring 'independence' on what must be considered as a subject people. But since the 'people' as a whole have never been consulted about their fate, such attempts at partition must be seen as contrary to the right of self-determination, rather than simply as a part of the anti-human rights policy of apartheid.

In other words, two systems of law and government exist side by side in South Africa, one for the colonisers and the other for the colonised. The former enjoyed a transfer of legal authority from the imperial overlord, Britain, but since the establishment of the Union of South Africa in 1910, the essence of the colonial relationship has been continuously maintained. (14)

In any event, the rules of international law have developed to an extent where the apartheid system has been held to be in breach of the rule of non-discrimination recognised by the International Court of Justice and articulated by Judge Padilla Nervo:

"Racial discrimination as a matter of official Government policy is a violation of a norm or rule or standard of the international community." (15)

Secondly, the norm of racial equality has been associated with, or even assimilated to, the norm of self-determination (see Resolution 2106B (XX) General Assembly 1965), and racial discrimination as a "factor giving rise to a colonial situation has also been apparent apart from the case of Southern Rhodesia in the resolutions adopted in recent years on the apartheid policies followed by South Africa." (16)

Thirdly, apart from the 1973 Convention on Apartheid, customary international law and treaty law view apartheid as a crime under international law. This is illustrated by the ease with which the Geneva Conference on Humanitarian Law, when adopting Protocol I of 1977 additional to the Geneva Conventions of 1949, accepted the provision whereby apartheid and other inhuman and degrading practices involving outrages upon personal dignity, based on racial discrimination, shall be regarded as 'grave breaches of the Protocol' when 'committed wilfully and in violation of of the [Geneva] Conventions or the Protocol.' Under Section II of the Protocol, these acts have been added to the list of 'grave breaches.' Under Article 85, paragraph 5 of Protocol I, grave breaches of the Conventions and the Protocol are to be regarded as war crimes.

In the same vein, the International Law Commission, which has been reporting on international crimes in the context of State responsibility, has recently adopted at its 28th session a definition which has urgent and serious implications for international order:

"An international wrongful act which results from the breach by a State of an international obligation so essential for the community that its breach is recognised as a crime by that community as a whole, constitutes an international crime."

On the basis of the practice of the General Assembly and the development of rules that genocide and apartheid are examples of offences to be included in the category of the most serious internationally wrongful acts, the Commission adopted Article 19 which states that an international crime may result, among other examples, from "a serious breach on a widespread scale of an international obligation of essential importance for safeguarding the human being, such as those prohibiting slavery, genocide, apartheid."

In Namibia and South Africa, therefore,
12 the right of the population to overthrow a

system which has been incontestably recognised to be a crime against humanity cannot be doubted.

References:

11. R Higgins, *The Development of International Law by the Political Organs of the United Nations* (1963) 106.
12. Memo of Sec. Gen. UN, *Survey of International Law in Relation to Work of Certification of International Law Commission* A/cn. 4/1/Res. 1, p 19 (1949).
13. By G.A. Res. 3411E(XXX) by a vote of 101 to 15, with 16 abstentions.
14. For a fuller discussion of the status of the South African regime in international law and the extent to which an entity is liable in a legal system, although its legal warrant is suspect, see the writer's article, *Law versus Apartheid*, *Review of Contemporary Law* (1979) p 57.
15. *Namibia Opinion* (1971) p 123. See also the *South West Africa Cases* on the norm of non-discrimination, Wellington Koo at p 234, Jessup at p 455, Padilla Nervo at p 464 and especially Tanaka at p 286.
16. Sureda *op. cit.*, p 243, where Sureda refers to the early resolutions showing this assimilation.





25 YEARS OF CAMPAIGNING – THE ANTI-APARTHEID MOVEMENT

The Anti-Apartheid Movement in Britain was first formed in 1959 in response to an appeal made on behalf of the people of South Africa by Chief Albert Luthuli, President-General of the African National Congress at that time. These were his words:

"I appeal to all governments throughout the world, to people everywhere, to all organisations and institutions in every land and at every level to act now to impose such sanctions on South Africa that will bring about the vital necessary change and avert what can become the greatest African tragedy of our time."

Throughout the years since then, the Anti-Apartheid Movement has worked to mobilise public opinion in Britain and the world, in support of the liberation struggle in Southern Africa.

In June, it marked its 25th anniversary at a Convention in London, where activists from all over Britain spent a week-end hearing speeches, watching films, reading and discussing information documents, reviewing the past and preparing strategies for the future.

Three objectives were defined:

- * to re-affirm support for Chief Luthuli's appeal
- * to strengthen the campaign to isolate apartheid South Africa
- * to provide practical ways in which British people can demonstrate that they are not prepared to tolerate apartheid domination in South Africa.

In his address to the Convention, the President of the AAM, Archbishop Trevor Huddleston, said:

"... today we can say with truth no government is in ignorance of the nature of apartheid: no government can doubt that it still constitutes a major threat to world peace: no government can dare to argue that its consequences are ... anything but wholly evil ...

"We know that the challenge to apartheid has to be renewed by this generation with as much energy and determination as it had when it was mounted 25 years ago."

Fraternal Speeches and Messages

The Chairman of the United Nations Special Committee against Apartheid, Ambassador Koroma, praised the work of the AAM in a message, in which he said:

"By denouncing tirelessly and persistently the evils of the regime of apartheid, making known its repressive laws and practices, widely publicising the plight of the people who have fallen victims of its odious system of inhumanity, your movement has helped the public all over the world to realise what the apartheid system really is and to join the fight against one of the worst kinds of political repression known to mankind and the most complete systematic denial of human rights."

Another message came from the President of Tanzania, Julius Nyerere, who emphasised the importance of international solidarity with 13

the struggle of the oppressed people of South Africa:

"The front line of the struggle against apartheid is in South Africa, and the front line troops are the people of South Africa who are opposed to this inhuman system. But the effectiveness of good front line troops always depends in large part on the strength, first of the enemy, and secondly of the support which the two sides receive from the rear.

"The apartheid state is very strong economically and militarily: the system is strengthened by practical support through continued foreign investment and foreign trade. The people of South Africa are without wealth and have no arms, their struggle depends on their indomitable human spirit and the support they receive from states, organisations and individuals who recognise apartheid as an offence against humanity ... The Anti-Apartheid Movement is one of the organisations playing this vital external role."

Neil Kinnock MP, leader of the British Labour Party and a founder member of the AAM, condemned the Conservative government of Britain for its links with apartheid, and the military help and co-operation it is giving the Pretoria regime. He promised that in the event of his becoming Prime Minister, he and his government would support the move to isolate apartheid South Africa.

Addressing the Convention on behalf of SWAPO, Comrade Andimba Toivo Ja Toivo said:

"The British state and its close relationship with the South African regime is a major obstacle to genuine independence for Namibia. The enemy of the British people at home, which manifests itself through unemployment, cuts in social services, attacks on Black people and women, is the same enemy which is supporting racist war against our people.

Your solidarity with our struggle will be a major contribution to your own battle against racism and injustice in your own country."

Comrade Seretse Choabi of the ANC read a message from President O R Tambo, which looked first at the past and then at the future:

"The Anti-Apartheid Movement can with justifiable pride look back at a record of great achievements ... Its ideas are today deeply implanted in the social consciousness of the British people ...

"It is an historical fact that over the centuries of contact between British and South African people, the best elements of British society have always shared with us a common tradition of opposition to racism and national oppression."

The message mentioned the magnificent demonstrations early in June, which had shown that large numbers of the British people objected to the visit of P W Botha, and ended:

"... as the struggle inside South Africa grows more intense and bitter we shall have occasion to call on you again and again for the moral and material support that has helped to sustain us over the last 25 years."



INTERNATIONAL SOLIDARITY WITH SOMAFCO

A delegation from the Soviet Afro-Asian Solidarity Committee visited the Solomon Mahlangu Freedom College in May, led by Giabadulla Murzagaliev, editor-in-chief of *Za Rudedgon*, who later returned, accompanied by the Tass representative in Dar Es

Salaam, to take interviews for an article in his journal.

Other guests in May included two representatives from the youth organisation of the Centre Party of Finland, which is providing the funds for the library at the Mazimbu complex. They also investigated new projects at the Dakawa Development Centre.

Campaigners in the Federal Republic of Germany are asking people to donate five marks each for seedlings to start an orchard at Dakawa. From London it is reported that Tottenham Hotspurs, one of the top British football teams, has donated a ball autographed by all the players, which will be sold to raise funds for sports equipment for Somafo.

ANC/Netherlands Solidarity Hospital
It was a great occasion for all at Somafo

when, on May Day, the plaque at the site of the new hospital was unveiled, together with the base of a statue of a mother and her child. The ceremony was carried out by Comrade Alfred Nzo, Secretary-General of the ANC, and Henk Odink, President of the Medisch Committee Angola in Holland, which is providing the funds to build the hospital.

Previously, a meeting was held at the Lilian Ngoyi School Hall, where speeches and messages were delivered by Comrades Nzo and Odink and by representatives of SWAPO and the OAU Liberation Committee, among others. Comrade Thabo Mbeki, Director of the Department of Information and Publicity of the ANC, was also present, as was Truus Menger, the Dutch sculptor, who was a resistance fighter during the Nazi occupation of the Netherlands, and who has donated her statue.



Henk Odink, President of the Netherlands Medical Committee for Angola, presenting a photograph of MPLA in the bush (1974) to Comrade Alfred Nzo, Secretary-General of the ANC, who received it on behalf of President Tambo.



SOLIDARITY WITH ANC AND SWAPO IN THE HEARTLAND OF IMPERIALISM

Over 1 000 people came out in Harlem, New York to hear leaders of the Southern African liberation movements speak, and to show their support.

Comrade Sam Nujoma, President of SWAPO, said:

"The struggle can be won. The same imperialists that are oppressing you here are oppressing us in Africa. The liberation struggle will not end until racism, colonialism and imperialism are eliminated from the African continent."

Comrade Thomas Nkobi, Treasurer-General of the ANC, referred to the uprising of 1976, and said:

"Those children who used sticks and stones eight years ago are now not throwing stones but are using AK-47s and bazookas to fight the white minority regime."

Abdul Minty, Secretary of the British Anti-Apartheid Movement, also addressed the meeting.

In Seattle, Washington, over 200 people marched to the federal court house calling for victory to the liberation struggle in Southern Africa and Central America. Meryl Douglas of the People's Anti-War Mobilisation stressed the solidarity of the gathering with the African National Congress and the oppressed

16 who:

"... arms in hand are fighting national oppression the world over."

A South African flag was burned before the court house.



GUYANAN SOLIDARITY WITH ANC AND SWAPO

On the 24th May, the People's Progressive Party, the opposition party in the Caribbean country of Guyana, issued a statement to mark African Liberation Day. The statement declared that:

"... the People's Progressive Party fully supports the view that the central and immediate question in South African politics is the overthrow of the white minority regime."

It also stated that Pretoria is using its military, economic, political and diplomatic muscle to gain supremacy on the African continent; that its intention is to liquidate the armed struggle for liberation, led by the ANC and SWAPO, and to transform the Front Line States into client states of the racist regime; that the question of independence in Namibia had to do with the "colonialist and occupationist policy of Pretoria" and nothing to do with the presence of Cuban troops in Angola; and that in its ambitions Pretoria was being assisted by the Reagan Administration through its policy of 'constructive engagement.' The PPP ended by saying:

"The PPP takes the opportunity to reaffirm its whole-hearted support to the struggles of the ANC and SWAPO. The Party pays homage to all African freedom

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