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# MISSION TO SOUTH AFRICA

## THE COMMONWEALTH REPORT

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*Marked  
Sections  
Noted by  
Judge*

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**THE FINDINGS OF THE  
COMMONWEALTH EMINENT PERSONS  
GROUP ON SOUTHERN AFRICA**

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**FOREWORD BY SHRIDATH RAMPHAL**



forces. These are now before Parliament. If enacted, such are their scope that South Africa will unquestionably pass even further into a permanent state of emergency. On top of his already formidable powers under the Internal Security Act, the Minister of Law and Order will be able to declare 'unrest areas' (a euphemism for a state of emergency limited in area) where total control over the area and its inhabitants will pass to the security forces. In an additional measure, police are to be given the power of detention without trial of up to 180 days, in addition to their other powers to detain.

The Nassau Accord called upon the South African Government to 'terminate the existing state of emergency'. From a technical viewpoint, this has come to pass; in reality, however, South Africa is sliding even further into a permanent state of emergency in terms of the ordinary laws of the land.

### Chapter 3

## The Release of Nelson Mandela and Others

From the beginning, we recognized the essential significance in any political settlement of one man - Nelson Mandela. Imprisoned these last twenty-four years, latterly in Pollsmoor Prison, he is an isolated and lonely figure, bearing his incarceration with courage and fortitude, anxious to be reunited with his wife and family but determined that this can only be in circumstances which allow for his unconditional release, along with colleagues and fellow political prisoners, and permit them all to take part in normal political activity.

A symbol to many, Nelson Mandela can be said to represent all those imprisoned, detained, banned or in exile for their opposition to apartheid: men like Wilton Mcquai, Govan Mbeki, Zephania Mothupeng and John Ganya on Robben Island; Walter Sisulu, Ahmed Kathrada, Raymond Mhlaba, Andrew Mlangeni and Oscar Mpetsha, also in Pollsmoor; Elias Matsoaledi and Harry Gwala in Johannesburg; Patrick Lekosa and Popo Molele in Modderbee; and many others. Certainly, that was the hope expressed by him in the statement, conveyed by his daughter, Miss Zindzi Mandela, to a meeting at the Jabulani Amphitheatre on 10 February 1985. The general question of political trials and the release of detainees is one we will return to later in our Report.

Mr Mandela is himself a political prisoner. In 1964, he and nine others were convicted on a charge of sabotage. In his statement from the dock at the Rivonia Trial, he set out the reasons which led him to do what he did - the lengths to which the ANC had gone to avoid violence since its inception in 1912 and the repressive policies upholding apartheid



which, he argued, had finally forced upon them a reactive violence.

He told the court that when the ANC had been declared an unlawful organization, it had refused to dissolve and had gone underground. It was only after that, in June 1961, that he had come to the conclusion that violence was inevitable and that it would be unrealistic and wrong for African leaders to continue with a policy of non-violence when the Government had 'met our demands with violence'. Thereafter, it was decided that the ANC would 'no longer disapprove of properly controlled sabotage', by which means the economy would be damaged and international attention attracted. He remains deprived of his liberty because he is not prepared to disavow that decision. As he himself has put it: 'I am in prison as the representative of the people and the African National Congress, which was banned. What freedom am I being offered while the organization of the people remains banned?' (Statement, 10 February 1985)

But Nelson Mandela is also a symbol for blacks not only of their lack of political freedom but also of their struggle to attain it. He is a potent inspiration for much of the political activity of black South Africans. His role in the management of the Defiance Campaign of 1952 and his leadership of Umkhonto we Sizwe (Spear of the Nation), for which he remains imprisoned, together with the manner in which he has borne his fate, have established him as a legend in his own lifetime. His suffering is seen as the suffering of all who are the victims of apartheid. The campaign for his release has been the galvanizing spur for rising black political consciousness across South Africa. His name is emblazoned across the length and breadth of black South Africa.

In particular, the call for his freedom has developed into the centrepiece of the demand for a political settlement. It is the shorthand for the proposition that, as his daughter Zindzi conveyed it, 'There is an alternative to the inevitable blood-bath.'

But we also recognize that, for some whites, he represents something rather different. Their fears, if unfounded, are real none the less. They include the belief that Nelson Mandela is a

man of violence and that violence could not be contained on his release; the fear that, as one of the principal black nationalists, his sole aim is to achieve a hand-over of state power from white to black; and the fear that his release would be the signal for chaos and destruction. Most of these fears have been fuelled by the Government's own campaign against Mr Mandela and the ANC. To that extent, they are self-induced, but they are real for all that and cannot be ignored.

Nelson Mandela has indeed become a living legend. Just as the grooming of nationalist leaders like Mahatma Gandhi and Jomo Kenyatta invested them with a unique aura and helped galvanize resistance to the colonial power, so, we believe, the imprisonment of Nelson Mandela is a self-defeating course for the South African Government to take.

With each month and year of further incarceration, the difficulties of the Government will grow. While fit at present, he is a man of 67. It would be wise to heed the words of Soren Kierkegaard: 'The tyrant dies and his rule ends: the martyr dies and his rule begins.'

Discussions with Nelson Mandela were obviously going to be essential to our work. Initially, arranging such discussions did not prove easy. Other visiting groups had been denied access, and the South African authorities approached our request with great caution. We also asked to see other political prisoners and detainees in Pollsmoor and on Robben Island.

During the preliminary visit, General Obasanjo was permitted to see Mr Mandela. Thereafter the full Group met with him on two occasions, although not with other detainees. In all these meetings we were conscious of our responsibility to Nelson Mandela himself. As recently as 10 February 1985, when referring to suggestions for his conditional release, he had referred to the constraints that custody imposes: 'Only free men can negotiate,' he said. 'Prisoners cannot enter into contracts.' It was essential, we felt, that we should meet and talk with him. We were equally determined that those conversations should neither compromise nor embarrass him. We reiterate that intent in drawing on those conversations for the purposes of our Report.



The Group approached the meetings with Mr Mandela with another measure of care. It was impossible not to be aware of the mythology surrounding him, but, equally, we were determined that it should not colour our impressions or influence our judgment. As far as possible, we resolved to approach these meetings with an open mind.

We were first struck by his physical authority – by his immaculate appearance, his apparent good health and his commanding presence. In his manner he exuded authority and received the respect of all around him, including his gaolers. That in part seemed to reflect his own philosophy of separating people from policy.

His authority clearly extends throughout the nationalist movement, although he constantly reiterated that he could not speak for his colleagues in the ANC, that, apart from his personal viewpoint, any concerted view must come after proper consultation with all concerned and that his views could carry weight only when expressed collectively through the ANC.

There was no visible distance of outlook, however, between Nelson Mandela and the ANC leadership in Lusaka. He was at pains to point out that his own authority derived solely from his position within the organization, and in so far as he was able to reflect the popular will.

Second, we found his attitude to others outside the ANC reasonable and conciliatory. He did not conceal his differences with Chief Buthelezi, and he was conscious of the divisions which had arisen among the black community. Nevertheless, he was confident that, if he were to be released from prison, the unity of all black leaders, including Chief Buthelezi, could be achieved. The ANC, as the vanguard of the liberation movement, had particular responsibilities, but the fact that freedom fighters belonged to a variety of organizations was both a challenge to, and an indictment of, the ANC. He stressed repeatedly the importance of the unity of the whole nationalist movement.

In our discussions Nelson Mandela also took care to emphasize his desire for reconciliation across the divide of colour. He described himself as a deeply committed South African nation-

alist but added that South African nationalists came in more than one colour – there were white people, coloured people and Indian people who were also deeply committed South African nationalists. He pledged himself anew to work for a multiracial society in which all would have a secure place.

He recognized the fears of many white people, which had been intensified by the Government's own propaganda, but emphasized the importance of minority groups being given a real sense of security in any new society in South Africa.

That desire for good will was palpable. The Minister of Justice, together with two senior officials, was present at the start of our second meeting and Mr Mandela pressed him to remain, saying he had nothing to hide and no objection to the Minister hearing the discussion. It was his strongly stated view that if the circumstances could be created in which the Government and the ANC could talk, some of the problems which arose solely through lack of contact could be eliminated. The fact of talking was essential in the building of mutual confidence.

Third, we were impressed by the consistency of his beliefs. He emphasized that he was a nationalist, not a communist, and that his principles were unchanged from those to which he subscribed when the Freedom Charter was drawn up in 1955. Those principles included the necessity for the unity and political emancipation of all Africans in the land of their birth; the need for a multiracial society, free from any kind of racial, religious or political discrimination; the paramountcy of democratic principles and of political and human rights; and equality of opportunity. He held to the view that the Freedom Charter embodied policies which amounted to a devastating attack on discrimination in all its ramifications – economic, social and political.

While it called for a new order, this was not to be on the basis of any change in the system of production apart from certain key sectors. He argued that he and his colleagues had been to court because of the Freedom Charter, that the court had deliberated for four years before giving its verdict that the Crown had failed to establish its case, and the Freedom Charter was not a



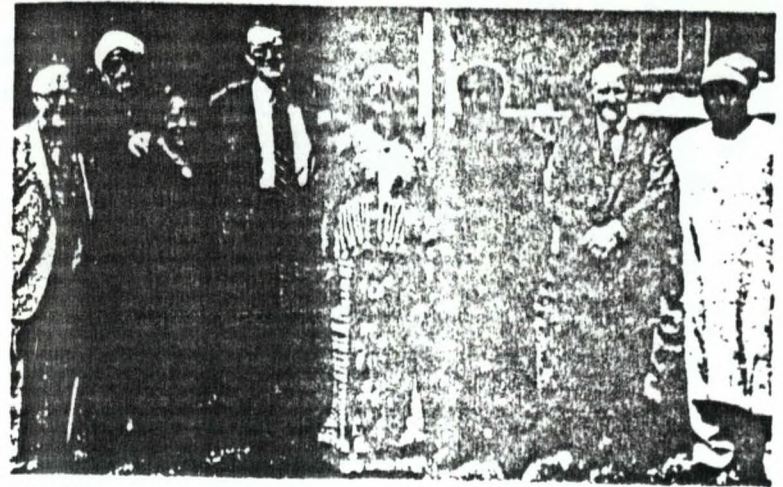
document designed to establish even socialism in South Africa. He recognized it was a document which some might not consider 'progressive' enough; it was none the less one to which he still subscribed and which, he believed, could have a wide appeal to whites as well as to blacks.

Our fourth impression was that Nelson Mandela was a man who had been driven to armed struggle only with the greatest reluctance, solely in the absence of any other alternative to the violence of the apartheid system, and never as an end in itself. It was a course of action which he argued had been forced upon him, as he explained at his trial in 1964: 'A time comes in the life of any nation when there remains only two choices – submit or fight. That time has now come to South Africa. We shall not submit and we have no choice but to hit back by all the means in our power in defence of our people, our future and our freedom.'

At that trial he had gone to great lengths to show that Umkhonto we Sizwe's policy was to avoid hurting civilians and instead to concentrate on damaging property. That policy was apparently maintained up until 1983, when the ANC's first car bomb exploded at Air Force Headquarters in Pretoria. Yet Mr Mandela even then had expressed his sadness over the incident and had said from prison: 'It was a tragic accident . . . we aim for buildings and property. It might be that someone gets killed in the fire, in the heat of battle, but we do not believe in assassination.'

We questioned Nelson Mandela extensively about his views on violence. The ANC, he said, had for many years operated as a non-violent organization and had been forced into armed struggle only because it became the unavoidable response to the violence of apartheid. He stressed that violence could never be an ultimate solution and that the nature of human relationships required negotiation. He was not in a position to renounce the use of violence as a condition of his release, and we recognized that in the circumstances currently prevailing in South Africa it would be unreasonable to expect that of him or anyone else.

Fifth, there was no doubting Nelson Mandela's welcome for the Commonwealth initiative and his personal desire to help.



With Winnie Mandela – Ted Scott, Swaran Singh, Nita Barrow, Malcolm Fraser, WM, John Malecela, Lord Barber, General Obasanjo. (Photo: Moni Malhoutra)

While emphasizing that he could not speak for the ANC, he expressed his personal acceptance of the Group's negotiating concept\* as a starting point. He made it clear that his personal acceptance stood, regardless of whether or not it was acceptable to the South African Government, but he wanted his views to be those of the movement and not simply his own, and there would be need for consultation with his fellow prisoners (both in Pollsmoor and on Robben Island) and with the ANC in Lusaka.

He believed that if a positive response by the ANC and the Government were to be synchronized – the Government withdrawing the army and the police from the townships and taking other agreed steps, while the ANC agreed, at the same time, to a suspension of violence and to negotiations – there should be no difficulty with implementation. He acknowledged, however, that his release would not be enough to lessen violence.

\* The concept is discussed in Chapter 6.



He and his colleagues would have to take on the active role of persuading people to call off violent activities and to respect the negotiating process. This meant that the negotiating process had to be fully credible and kept so by the Government.

Our sixth, and final, impression was of a man who yearned for his freedom and who longed to be reunited with his family, but who would never accept it under what he called 'humiliating conditions'. As he put it in his statement of 10 February 1985:

I cherish my own freedom dearly, but I care even more for your freedom. Too many have died since I went to prison. Too many have suffered for the love of freedom. I owe it to their widows, to their orphans, to their mothers and their fathers who have grieved and wept for them.

Not only have I suffered during these long lonely wasted years. I am no less life-loving than you are. But I cannot sell the birthright of the people to be free.

Only free men can negotiate. Prisoners cannot enter into contracts. Your freedom and mine cannot be separated.

We accept that the release of Nelson Mandela presents the South African Government with a difficult dilemma. Having held him too long in prison, there is a growing realization in Government circles that any benefits of incarceration are outweighed by the disadvantages which daily become more apparent. Yet to release him now, as some in Government say is their wish, would be to do so into conditions much changed from ten, or even five, years ago. In a mood of unrest and upheaval, with growing black awareness and political protest being matched by increasing anxiety among whites and the rise of white extremism, the Government has expressed the fear that his release might result in an uncontrollable explosion of violence.

We do not hold this view. Provided the negotiating process were agreed, Mr Mandela's own voice would appeal for calm. We believe his authority would secure it.

In our discussions with the ANC, it has become clear that they, along with every black group within South Africa, see the unconditional release of Nelson Mandela and other political

prisoners and detainees as a necessary and crucial step towards a settlement. Negotiations cannot take place in the absence of the people's authentic leaders. The release into South African society of those leaders would lead logically to negotiations, through a process of normal political activity, on behalf of legally recognized organizations. No other equation is possible. No piecemeal or more limited approach can possibly succeed.

Without this first step, linked to a wider package, the ANC and others will have no basis for believing in the state violence of the apartheid system ever abating and will not be persuaded to suspend violence themselves. The struggle and the killing will continue with greater intensity. The cycle of violence will remain unbroken.

Mr Mandela, according to all the evidence, is a unifying, commanding and popular leader. Recent opinion polls, as well as our personal observations, revealed that blacks, Indians and coloureds look overwhelmingly to Nelson Mandela as the leader of a non-racial South Africa.

To disregard Nelson Mandela, by continuing his imprisonment, would be to discard an essential and heroic figure in any political settlement in South Africa. His freedom is a key component in any hope of a peaceful resolution of a conflict which otherwise will prove all-consuming.

Our judgment of Nelson Mandela has been formed as the result of lengthy discussions with him, spanning three meetings. He impressed us as an outstandingly able and sincere person whose qualities of leadership were self-evident. We found him unmarked by any trace of bitterness despite his long imprisonment. His overriding concern was for the welfare of all races in South Africa in a just society; he longed to be allowed to contribute to the process of reconciliation. We all agreed that it was tragic that a man of his outstanding capabilities should continue to be denied the opportunity to help shape his country's future, especially as that is so clearly his own profound wish.

That he is a fervent nationalist cannot be denied; but of his supposed communism, either now or in the past, we found no trace. In that respect we clearly differ from the Government



which has resorted to the most dubious of methods to denigrate his reputation.

Central to the Nassau Accord was a call for the immediate and unconditional release of Nelson Mandela, and all other political prisoners. That call remains unheeded. It is one to which we attach the highest importance.

#### Chapter 4

### The Establishment of Political Freedom

It is not for our Group to attempt to prescribe what the future constitutional structures of South Africa ought to be – a point made time and time again in our meetings. The essence of establishing these must lie in creating conditions of political freedom in which the people, *all* the people, through their authentic representatives, can exercise free choice about their future. The legitimacy of what emerges would then rest on the necessary foundation of the consent of the governed.

State President Botha, in addressing the President's Council on 15 May, spelt out certain norms and values which he considered fundamental and which he said would have to be entrenched in any new dispensation. These included, as he put it, the 'realization of the democratic ideal, since it is the Government's accepted principle that only democratic institutions can meet the demands of justice and fairness'. This democratic settlement had to accommodate 'the legitimate political aspirations of all South Africa's communities'. Further, it must therefore be multi-cultural and must protect minority rights. Basic human freedoms – such as freedom of worship and faith, equality of opportunity and the absence of discrimination, the sanctity of law and of individual liberty – must be respected.

While these may be laudable aims, the attention of the black majority is concentrated upon the denial of basic democratic freedoms under the present system. Their credibility as genuine goals will be judged on future developments. Blacks, of course, do not have the vote in white South Africa, and, as explained earlier, the development of apartheid through the Bantustan (or 'homeland') system has had the practical effect of depriving

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