

DIREKTORAAT VAN VEILIGHEIDSWETGEWING  
DIRECTORATE OF SECURITY LEGISLATION

LÉER NR. 2412121  
FILE NO. 2412121

HOOFREEKS  
MAIN SERIES Binnelandse Veiligheid

ONDERWERP  
SUBJECT kontrole van Organisies

LÉER  
FILE United Democratic Front (UDF)

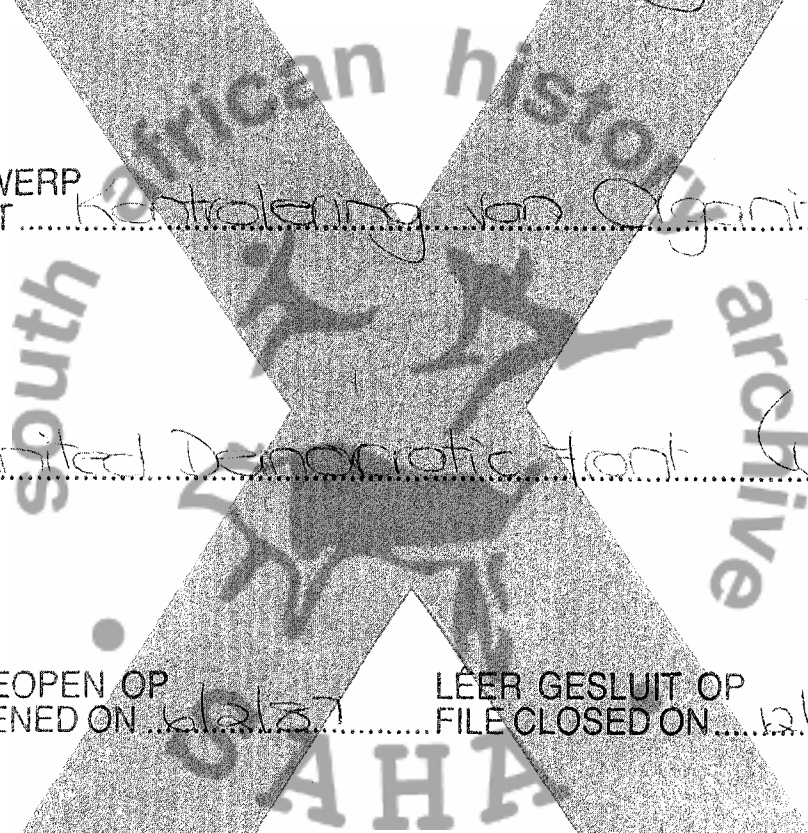
LÉER GEOPEN OP  
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BESKIKKINGSVOORSKRIFTE  
DISPOSAL DIRECTIONS

SUBLÉER OF GEVAL  
SUBFILE OR CASE

LÉER NR.  
FILE NO. 2412121 DEEL  
PART 2

FILE NO. 2412121





ry/Spesdl

DEPARTEMENT VAN JUSTISIE  
DEPARTMENT OF JUSTICE

J300

*There cont. of  
UDF - letter.  
12/10/87*

Direkteur-Generaal/Director-General • Minister

Lêer/File No. 23/5/3/4 (DBS)

EVALUASIE VAN DIE DIDCOTT-UITSpraak IN DIE UDF-SAAK

1. Die Minister het versoek dat die Regsentrum hom van 'n evaluasie van regter Didcott se uitspraak in die UDF-saak voorsien asook of die Regsentrum 'n akkoord gaan met die feit dat aansoek om verlof om te appelleer aangevra is en wat die moontlikheid van sukses op appèl is.

2.1 Die uitspraak in die saak is nog nie beskikbaar nie maar is dringend aangevra. By ontvangs van die uitspraak sal dit dringend bestudeer word en daar sal ook bepaal word of die uitspraak enigszins die terugoordra van die bevoegdheid van die Wet op Geaffekteerde Organisasies, 1974 (Wet 31 van 1974), op 1 April 1987 aan die Minister van Justisie raak. Die Minister van Justisie sal so spoedig doenlik daaroor ingelig word.

2.2 Daar dien op gewys te word dat Proklamasie No R30 van 1984 (gevlag "R.30") waarin die bevoegdheid van die Wet op Geaffekteerde Organisasies, 1974 van die

Minister van Justisie na die Minister van Wet en Orde oorgedra is, ook die bevoegdheids van die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953), en die Wet op Traangas, 1964 (Wet 16 van 1964), aan die Minister van Wet en Orde oorgedra het. Die bevoegdheids van die Wet op Openbare Veiligheid, 1953 en die Wet op Geaffekteerde Organisasies, 1974 is op 1 April 1987 weer aan die Minister van Justisie oorgedra. Indien die Appèlhof sou bevind dat dié oordrag van bevoegdheids onreëlmatig was, sal die bevoegdheids van die Wet op Traangas, 1964 weer opnuut aan die Minister van Wet en Orde oorgedra moet word.

3. Die kern van die UDF-saak kan kortliks soos volg saamgevat word:

- (1) Die applikante het aansoek gedoen in die Durban en Kus Plaaslike Afdeling van die Hooggeregshof van Suid-Afrika dat die verklaring van die eerste applikant tot 'n geaffekteerde organisasie deur die eerste respondent tersyde gestel moet word.
- (2) Die saak het op 6, 7 en 8 Mei 1987 voor regter Didcott gediën.
- (3) Nadat die saak deur die advokate vir die applikante en onderskeie respondente

beredeneer is, het regter Didcott op 8 Mei 1987 uitspraak gelewer en bevind dat die oordrag van magte, pligte en werksaamhede van die Minister van Justisie aan die Minister van Wet en Orde met betrekking tot die Wet op Geaffekteerde Organisasies, 1974, by wyse van Proklamasie R30 van 9 Maart 1984 nie behoorlik plaasgevind het nie. Die bevinding is daarop gebaseer dat die destydse Staatspresident in die Proklamasie meld dat hy "goedkeuring" verleen aan die oordrag van alle bevoegdhede, pligte ens en nie inderdaad die pligte, bevoegdhede ens oordra nie. Die hof het die volgende bevel gemaak:

(3.1) "Declaring that the declaration by the First Respondent (Die Staatspresident) contained in Proclamation No 190 of 9 October 1986 (dws die verklaring van die UDF tot geaffekteerde organisasie) is of no force and effect in law;

(3.2) Declaring that the Fifth Respondent (die Registrateur van Geaffekteerde Organisasies) is not entitled to take any steps against the First Applicant (UDF) pursuant to the

declaration contained in Proclamation No 190 of 1986, read with Act No 31 of 1974 ;

(3.3) Declaring that the Fourth Respondent (Minister van Justisie) is not entitled to exercise any powers vesting in him in terms of Act 31 of 1984 against the First Applicant (UDF) arising from the declaration contained in the said Proclamation No 190 of 1986;

(3.4) Directing the Second Respondent (Die Regering van die Republiek van Suid-Afrika) to pay the Applicants' costs."

(4) Die hof het ook aan al die respondente verlof verleen om na die Appèlafdeling van die Hooggeregshof te appelleer.

(5) Tydens die uitspraak, en ook vroeër gedurende die verrigtinge, het die hof gemeld dat die saak in die Durban en Kus Plaaslike Afdeling duidelik n klee-drepetisie is vir die Appèlafdeling en dat die saak bestem is om

uiteindelik in die Appèlafdeling te beland wat ook al die hof a quo se uitspraak.

- (6) Wat betref die toepassing van die audi alteram partem-reël het die hof hom nie duidelik uitgespreek nie en aangedui dat die applikante se benadering in die verband 'n heel nuwe benadering is wat uiteindelik ock deur die Appèlafdeling beslis moet word.
- (7) Ten opsigte van die vraag of die eerste applikant politiek bedryf met "buitelandse hulp" het die hof hom ook nie duidelik uitge- laat nie. Sekere voorbeelde is deur die hof genoem sonder om werklik uitsluitel daaroor te gee.
- (8) Wat betref die vraag of die "administration" van die Wet kragtens Proklamasie R30 oorgedra is en nie die pligte, bevoegdhede en werksaamhede nie, soos aangevoer deur die applikante, het die hof aangedui dat die vierde respondent (die Minister van Justisie) se betoog in hierdie verband die korrekte blyk te wees nl dat dit die uitvoering van die pligte, bevoegdhede ens is wat oorgedra word. Soos reeds gemeld het die hof egter bevind dat so 'n oordrag inderdaad nie

plaasgevind het nie in die lig van die bewoording van Proklamasie R30 van 9 Maart 1984.

(9) Tydens sy uitspraak het die hof aangedui dat hy aanvaar dat alle uitvoerende handeling wat die voorgenome oordrag van pligte, bevoegdhede ens voorafgegaan het korrek gevolg en nagekom is maar dat die werklike oordrag nie geskied het nie.

(10) Die feit dat die hof verlos tot appèl aan die respondente verleen het, het die gevolg dat die uitwerking van die uitspraak opgeskort word hangende die appèl en dat die status quo, nl dat die eerste applikant 'n geaffekteerde organisasie is, gehandhaaf word.

4. Die advokate wat namens die Staat in die saak opgetree het, is van oordeel dat daar redelike vooruitsigte is om in die Appèlhof te slaag. Die Regsentrum gaan akkoord met hierdie sienswyse.

5. Ter inligting kan vermeld word dat volgens inligting van die Suid-Afrikaanse Polisie verkry, die UDF gedurende September 1986, kort voordat dit as 'n geaffekteerde organisasie op 9 Oktober 1986 verklaar

is, die volgende banksaldo's in die onderskeie takke gehad het:

Transvaal	R34 649,49
Oos-Kaap	R 9 168,23
Suid-Kaap	R 54,64
Noord-Kaap	R 17,90
Grens	R 267,43

TOTAAL

R44 157,69

VOORSITTER : REGSENTRUM

J DU PLESSIS

12-5-1987

DIREKTEUR-GENERAAL : JUSTISIE

Kennis geneem /

H J COETSEE, LP  
MINISTER VAN JUSTISIE



3  
IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(APPÈLAFDELING)

Saaknommer: 7395/86

In die saak tussen:

<u>UNITED DEMOCRATIC FRONT</u>	Eerste Applikant
<u>DURBAN HOUSING ACTION COMMITTEE</u>	Tweede Applikant
<u>NATAL ORGANISATION OF WOMEN</u>	Derde Applikant
<u>CURNICK NDHLOVU</u>	Vierde Applikant

en

<u>DIE STAATSPRESIDENT VAN DIE</u> <u>REPUBLIEK VAN SUID-AFRIKA</u>	Eerste Respondent
<u>DIE REGERING VAN DIE</u> <u>REPUBLIEK VAN SUID-AFRIKA</u>	Tweede Respondent
<u>DIE MINISTER VAN WET EN ORDE</u>	Derde Respondent
<u>DIE MINISTER VAN JUSTISIE</u>	Vierde Respondent
<u>DIE REGISTRATEUR VAN</u> <u>GEAFFEKTEERDE ORGANISASIES</u>	Vyfde Respondent

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MEMORANDUM

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1.

Ek het die evaluasie van die uitspraak van Sy Edele Regter Didcott, opgestel deur die Regsentrum deurgelees. Behalwe om te gelet het op die deeglikheid van die evaluasie wens ek die volgende opmerkings daaraangaande te maak:

1.1. PARAGRAAF 6(a) op p. 4:

Dit mag wees dat die kar hier voor die perde gespan word: die reëls van Wetsuitleg kom ter sprake wanneer die woorde van die Wet op hulle normale letterlike en algemeen aanvaarde betekenis, dubbelsinnig of vaag is. Dit kom my voor dat daar niks vaags in *Proklamasie R30* is weens die invoeging van die woord "goedkeur" nie. 'n Mens probeer juis om die bedoeling van die Wetgewer af te lei uit die woorde. Hierdie paragraaf gaan uit van 'n bedoeling en daar word gepoog om die woorde te laat inpas by die bedoeling, wat in die eerste plek nie uit die proklamasie blyk nie. Volgens die normale en letterlike betekenis van die woorde vervat in *Proklamasie R30* van 1984 word kennis gegee dat die Staatspresident die gemelde oordrag goedkeur - niks minder nie en niks meer nie. Die Hof op Appèl mag dus tot die gevolgtrekking kom dat die reëls van wetsuitleg gladnie ter sprake kom nie omdat daar geen dubbelsinnigheid of onduidelikheid is nie.

1.2. PARAGRAAF 6(e) op p. 6:

Die punt wat hier gemaak word is vatbaar vir die volgende kritiek: alhoewel *Artikel 20A* geen voorskrif bevat oor die wyse waarop die Staatspresident sy besluit moet uitoefen nie, moet die Staatspresident gebonde geag word aan die wyse wat hy verkies om sodanige besluit te manifesteer. In die onderhawige geval het hy besluit om dit by wyse van *Proklamasie R80* te doen. Daar kan nie nou gesê word dat *Proklamasie R80* maar geïgnoreer kan word, bloot

omdat daardie proklamasie nie die bedoeling van die Staatspresident behoorlik weergee nie. Dit is ook nie vir my 'n uitgemaakte saak dat dit gesê kan word dat *Proklamasie R30* slegs ten doel het om kennis te gee van 'n besluit nie. Dit is immers administratiefregtelik 'n aanvaarde metode om 'n gebod of verbod uit te vaardig by wyse van publikasie in die Staatskoerant.

1.3. PARAGRAAF 6(f) op p. 6:

Hierdie punt sluit aan by paragraaf 6(e) hierbo na verwys. Die enigste tasbare voorwerp wat kan dien om die "werklike vraag" waarna hier verwys word, te beantwoord, is *Proklamasie R30*.

1.4. PARAGRAAF 6(g) op p. 7:

Daar word uitgegaan van die standpunt "selfs al is die proklamasie aanduidend van die aard van die handeling wat die Staatspresident kragtens *Artikel 20A(1)* verrig het .....". Die probleem wat ek met hierdie uitgangspunt het is dat *Proklamasie R30* juis nie aldus aanduidend is nie. *Proklamasie R30* is inderdaad die besluit van die Staatspresident.

1.5. PARAGRAAF 7 op p. 8:

Die Regsentrum beveel aan dat voorgegaan word met die appèl. Terselfdertyd voorsien die Regsentrum 'n wesenlike probleem met die beredenering van die vraag of

die *audi alteram partem*-reël toepaslik is aldan nie.  
[Vergelyk paragrawe 16 tot 24 op pp. 12 tot 18.] Dit  
kom my voor asof hier moontlik 'n weerspreking is.

2.

Graag wil ek die volgende ter hand gee:

- 2.1. Die UDF is 'n organisasie wat hom beywer vir die omverwerping van die geordende bestaande Staatsbestel;
- 2.2. As gevolg van die UDF se aktiwiteite, optrede en aanstigting, is in die verlede reeds talle kampanjes geloods om bovermelde doel te verwesenlik;
- 2.3. Indien 'n mens literatuur wat deur die UDF versprei word, lees, en indien 'n mens gedagtig is aan die werksaamhede en bedrywighede en die doelstellings van die UDF, ontstaan die vraag by my waarom die UDF nie eenvoudig verban word nie.
- 2.4. Hangende die uitslag van 'n appél gaan die UDF doodgewoon voort met sy bedrywighede en verkry hy waarskynlik op indirekte wyse voldoende fondse om hom in staat te stel om dit te kan doen; die feit dat die UDF tot 'n geaffekteerde organisasie verklaar is, glo ek nie het veel praktiese nut om te verhoed dat die UDF fondse uit die buiteland ontvang nie. Hier kan maar verwys word na wat geblyk het in die Ball-Kommissie van Onderzoek voor Sy Edele Regter Munnik.

- 2.5. Selfs al was daar hoegenaamd geen risiko vir die Regering om die appèl te verloor nie, bly die vraag: waarom voortgaan met die appèl wanneer die Staatspresident net so maklik 'n verdere bevel kan uitreik waardeur die UDF tot 'n geaffekteerde organisasie verklaar word, of selfs verban word?
- 2.6. Soos egter blyk uit die evaluasie van die Regsentrum, kan dit nie gesê word dat die appèl sonder risiko's is nie. Die vraag hierbo gestel word na my mening verskerp deur sodanige risiko's.
- 2.7. My persoonlike oordeel is ook dat daar 'n goeie kans op sukses op appèl in die saak is.

3.

Ter opsomming wil ek graag soos volg saamvat: alhoewel dit aanvaar kan word dat daar 'n redelike goeie vooruitsig op sukses in die appèl is, is die vraag of daar nie in die onderhawige geval pragmaties opgetree behoort te word nie. Dit kom my voor asof 'n mens op 'n direkte en eenvoudige wyse die aktiwiteite en bedrywighede van die UDF 'n knou kan toedien deur 'n nuwe bevel uit te reik of hom te verban, eerder as om die omslagtige prosedure van die appèl deur te voer. Immers, en aan die einde van die dag, kom die hele aangeleentheid ongetwyfeld neer op 'n administratiewe fout wat begaan is met die bewoording van **Proklamasie R30.**

4.

Indien besluit sou word om voort te gaan met die appèl, mag ek vermeld dat die vertoë aan die Appèlhof reeds voorberei is en gereed is vir liassering.

Kamers  
14 Julie 1987

*L J L Visser*

L J L VISSER, SC



MEMORANDUM: DIE STAATSPRESIDENT EN ANDER TEEN UNITED DEMOCRATIC FRONT EN ANDERE (OP APPÈL): IN RE DIE VERKLARING VAN DIE UNITED DEMOCRATIC FRONT TOT GEAFFEKTEERDE ORGANISASIE KRAGTENS WET 31 VAN 1974.

1.

Ek was op 'n dringende grondslag versoek om 'n mening uit te spreek aangaande die vooruitsigte op sukses in die appèl na die appèl-afdeling van die Hooggeregshof van Suid-Afrika in bogemelde saak. Ek het mondeling die mening oorgedra dat daar, na my oordeel, redelike vooruitsigte bestaan dat die Appèlhof die appèl sal handhaaf. Ek het onderneem om later 'n memorandum bevattende my redes te voorsien. Dit volg hier benede. Ek hanteer die geskilpunte seriatim.

2.

United Democratic Front (hiernagenoem UDF) se hoofbetoogpunt in die hof a quo, synde die punt waarop Didcott R. UDF se aansoek toegestaan het, hoewel met verklaarde vertwyfeling, was dat 'n wesenlike element van die bevoegdingsfeite (die sogenaamde "jurisdictional facts") wat nodig was, alvorens die Staatspresident regsgeldig die UDF tot geaffekteerde organisasie kon verklaar onder gemelde Wet, ontbreek het.

Die rasioneel van hierdie aspek van die betoog, asook die Didcott R. se tersake bevinding, was dat Artikel 8 van die betrokke Wet vereis dat die Minister van Justisie, synde die verantwoordelike Minister genoem in die Wet, oorweging moes geskenk het aan 'n feiteverslag wat met betrekking tot die UDF gedoen was deur 'n komitee bestaande uit drie landdroste deur die Minister aangestel. In die onderhawige geval was dit gemene saak dat die Minister van Wet en Orde, en nie die Minister van Justisie nie, die gemelde funksie uitgeoefen het. Hoewel die Staatspresident voor die tyd en wel op 9 Maart 1984 by proklamasie R 30 van 1984 die bevoegdhede, pligte en werksaamhede wat gemelde Wet aan die Minister van Justisie besorg het, op die Minister van Wet en Orde oorgedra het, was betoog en het die Hof a quo bevind dat die gewaande oordrag regtens kragteloos was. Die grondslag van hierdie bevinding was dat die Staatspresident in proklamasie R 30 van 1984 sy "goedkeuring" geheg het aan gemelde oordrag van funksies, terwyl artikel 20 A van die destydse Grondwet (Wet 32 van 1961, soos gewysig,) geen voorsiening maak vir "goedkeuring" nie, maar wel vir direkte oordrag van gemelde funksies deur die Staatspresident van die een Minister na die ander.

3.

Ten einde verwysing te vergerieflik, haal ek die tersake maatreëls hierbenede aan.



Die maatreëls waarkragtens die Staatspresident die UDF tot geaffekteerde organisasie verklaar het, word bevat in Artikels 2(1) en 8 van die Wet op Geaffekteerde Organisasies, nr 31 van 1974 en lees so:

Artikel 2(1): "Indien die Staatspresident oortuig is dat politiek deur of deur middel van n organisasie bedryf word met behulp van of in samewerking met of in oorleg met of onder die invloed van n organisasie of persoon in die buiteland, kan hy sonder kennisgewing aan eersgenoemde organisasie, maar behoudens die bepalinge van artikel 8, daardie organisasie by proklamasie in die Staatskoerant tot n geaffekteerde organisasie verklaar."

Artikel 8: "Die bevoegdheid wat by Artikel 2 aan die Staatspresident verleen word om n organisasie tot n geaffekteerde organisasie te verklaar, word nie uitgeoefen nie tensy die Minister oorweging geskenk het aan n feiteverslag wat met betrekking tot daardie organisasie gedoen is deur n komitee bestaande uit drie landdrosse deur die Minister aangestel, van wie minstens een n Hooflanddros of n Streeklanddros moet wees." In artikel 1 word "Minister" omskryf as die Minister van Justisie.

Die maatreël waaronder die Staatspresident die funksies wat deur die Wet op Geaffekteerde Organisasies aan die Minister van Justisie opgelê is, aan die Minister van Wet en Orde oorgedra het, was vervat in artikel 20A van die vorige Grondwet. Artikel 20A was in die Grondwet ingevoer deur Wet nr 101

van 1981 en lees so:

Artikel 20A(1): "Die Staatspresident kan die uitvoering van bepaling van n wet wat aan n Minister n bevoegdheid, plig of werksaamheid toewys, aan enige ander Minister opdra, hetsy spesifiek of by wyse van n algemene opdrag tot uitvoering van n wet of van alle wette wat aan eersbedoelde Minister bevoegdhede, pligte of werksaamhede toewys."

Soos reeds daarop gewys hierbo, het die Staatspresident by proklamasie R 30 van 1984 uitdruklik verklaar dat hy die proklamasie uitvaardig kragtens sy bevoegdheid onder artikel 20A en het hy daarin verklaar dat hy sy "goedkeuring" aan die betrokke oordrag van funksies verleen, in plaas daarvan om, so het die Hof bevind, direk die oordrag te gelas ooreenkomstig die taal van Artikel 20A(1) van die Grondwet.

Ook vir gerieflike verwysing haal ek die geheel van die inhoud van proklamasie R 30 van 1984 aan:

"Oordrag van bevoegdhede, pligte en werksaamhede van die Minister van Justisie aan die Minister van Wet en Orde, die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953), die Wet op Traangas, 1964 (Wet 16 van 1964), en die Wet op Geaffekteerde Organisasies, 1974 (Wet 31 van 1974).

Bladsy 5

Kragtens die bevoegdheid my verleen by artikel 20A van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet 32 van 1961) neg ek hierby my goeakeuring aan die oordrag van alle bevoegdhede, pligte en werksaamhede wat tans ingevolge die Wet op Openbare Veiligheid, 1953, die Wet op Traangas, 1964 en die Wet op Geaffekteerde Organisasies, 1974 aan die Minister van Justisie toevertrou is, aan die Minister van Wet en Orde.

Gegoe onder my Hand en die Seel van die Republiek van Suid-Afrika te Pretoria, op hede die tweede dag van Februarie eenduisend negehonderd vier-en-tagtig.

M. Viljoen

Staatspresident

Op las van die Staatspresident - in - Rade:

H.J. Coetsee."

4.

Uit die aangehaalde artikels 2 en 8 van die Wet op Geaffekteerde Organisasies, blyk dit duidelik (en was dit gemene saak deurgaans) dat, ten einde 'n regsgeldige verklaring van UDF tot 'n geaffekteerde organisasie te bewerkstellig, daar aan die vereistes gestel deur artikel 8 van die Wet, voldoen moes word. Dat die formele vereistes van artikel 8 nagekom is, was nie in

Bladsy 6

geskil nie. Die enigste vraag was of die Minister van Wet en Orde behoorlik beklee was met die funksies van die Minister van Justisie, toe hy gedoen het wat vereis was deur Artikel 8.

Ten aansien van laasgenoemde, sal 'n vergelyking tussen die inhoud van proklamasie R 30 van 1984 en die teks van Artikel 20A(1), beide soos hierbo aangehaal, die probleem onmiddellik toelig. Artikel 20A maak nie voorsiening vir die "goedkeuring" deur die Staatspresident van die betrokke oordrag van funksies nie, maar vereis in terme oordrag van gemelde funksies van een Minister na die ander deur die Staatspresident self. Dit is dan ook hoe die Hof a quo dit beskou het en, gevolglik, bevind het dat die gewaande oordragshandeling beliggaam in proklamasie R 80 van 1984, nie geskied het ooreenkomstig die bepalinge van Artikel 20A nie en dat, gevolglik, die funksies van die Minister van Justisie regtens nooit oorgegaan het op die Minister van Wet en Orde nie.

5.

Na my mening is voormelde bevindinge van Didcott R ongetwyfeld verkeerd en gebaseer op 'n wanbeskouing van die ware funksies van die Staatspresident onder die vorige Grondwet. Ek verantwoord hierdie siening hierbeneede.

## 6.

Onder die huidige Grondwet van die Republiek van Suid-Afrika, nr 110 van 1983, word die Staatspresident, algemeen gesproke, beklee met wye uitvoerende magte. Daarteenoor was die Staatspresident onder die vorige Grondwet van die Republiek van Suid-Afrika, nr 32 van 1961, beklee met weinige, indien enige, onafhanklike uitvoerende magte en was die amp, weereens algemeen gesproke, n verteenwoordigende een met n lang konstitusionele geskiedenis. Die huidige Grondwet het in werking getree op 3 September 1984. Die gewraakte proklamasie R 30 van 1984 was op 3 Maart 1984 uitgevaardig. Die regsgeldigheid van die betrokke proklamasie moet gevolglik getoets word aan die hand van die vorige Grondwet en die konstitusionele reg soos dit bestaan het op 9 Maart 1984, die datum van uitreiking van proklamasie R 30, en moet daarteen die vraag gevra word of "goedkeuring" van die oordrag van die funksies van die Minister van Justisie aan die Minister van Wet en Orde, soos beliggaam in proklamasie R 30 van 1984, voldoen aan die bepalinge van artikel 20A van die vorige Grondwet. Dit moet gedoen word gedagtig daaraan dat die grondslag van die beswaar is dat deur die oordrag van die tersake funksies "goed te keur", die Staatspresident in die proklamasie skyn aan te dui dat hy geen oorspronklike diskresie daaraangaande uitgeoefen het nie, maar bloot sy stempel plaas op n diskresie wat deur ander uitgeoefen is.

Die bevoegdhede van die Staatspresident onder die vorige grondwetlike bestel (wat insluit die bevoegdheid kragtens artikel 20A om die tersake proklamasie uit te vaardig) word geskep deur die 1961 - Grondwet, maar begrens en beperk deur konvensie.

Artikel 7 van die 1961 - Grondwet bepaal, onder meer, dat die Staatspresident die hoof van die Republiek is; dat die oppergesag van die Suid-Afrikaanse Weermag by hom berus; dat hy, onderworpe aan die bepalinge van die Grondwet, bepaalde bevoegdhede geniet, waarby ingesluit is die mag om die Volksraad te ontbind, om ooreenkomstig die bepalinge van artikels 20 en 21 van die Grondwet Ministers en plaasvervangers as Ministers aan te stel, om internasionale konvensies, verdrae en ooreenkomste aan te gaan, om Krygswet af te kondig of te beëindig, om oorlog te verklaar en vrede te sluit en om bevoegdhede uit te oefen wat kragtens ander wette aan hom verleen word. Artikel 7(4) en (5) verdien egter spesiale melding. Artikel 7(4) bepaal dat die Staatspresident as hoof van die Staat oor dieselfde bevoegdhede en funksies beskik as wat die Koningin onmiddellik voor die inwerkingtreding van die 1961 - Grondwet by wyse van prerogatief gehad het. Artikel 7(5) verklaar dat die konstitusionele gebruike wat onmiddellik voor die inwerkingtreding van die Wet bestaan het, nie deur die bepalinge van die Wet geraak word nie.

Artikel 16 van die 1961 - Grondwet bepaal dat die uitvoerende gesag van die Republiek ten opsigte van enige aangeleentheid betreffende binne - of buitelandse sake berus by die Staatspresident handelende op advies van die Uitvoerende Raad (wat bestaan uit die dienende Ministers wat kragtens artikel 20 aangestel is). Artikel 16(2) verklaar dat, behalwe waar uitdruklik of by nodwendige gevolgtrekking anders bepaal word, 'n verwysing in die Grondwet na die Staatspresident, geag word 'n verwysing te wees na die Staatspresident handelende op advies van die Uitvoerende Raad. Soos in die geval van artikel 7, dien daar ook in besonder gelet te word op artikel 16(3) wat bepaal dat voormelde subartikels (1) en (2) nie so uitgelê moet word nie dat dit die beoefening van die Staatspresident van sy bevoegdhede kragtens artikel 20 (vir sover dit betrekking het op die aanstelling van Ministers slegs) of artikel 25 (waardeur die Staatspresident die tye van die sessie van die Volksraad bepaal en die Raad van tyd tot tyd kan prorogeer) of artikel 47 (waaronder die Staatspresident te enige tyd die Volksraad by proklamasie kan ontbind) of die konstitusionele gebruike in verband met die uitoefening van sy funksies deur die Staatspresident raak nie.

Die prerogatiewe en konstitusionele gebruike, waarna verwys word in artikels 7(4), 7(5) en 16(3), word nêrens in die 1961 - Grondwet omskryf of bepaal nie. Ek bespreek dit egter later hierin.

Bladsy 10

Indien n mens by die juridiese uitleg van die bepalinge van die 1961 - Grondwet betreffende die daarin verleende magte van die Staatspresident, te werk gaan soos Didcott R. (met die verskuldigde eerbied) deur slegs te let na die uitdruklike bepalinge van artikels 7(3)(b), 16(1) en 20A(1), sonder inagneming van of verwysing na die gemelde prerogatiwe en konstitusionele gebruike (konvensies), is dit verstaanbaar waarom die Hof a quo tot die gevolgtrekking geraak het dat n oordrag van funksies kragtens artikel 20A van een Minister na n ander, n oordrag verg waardeur die Staatspresident sy persoonlike diskresie daaraangaande uitoefen en dat "goedkeuring" van so n oordrag nie regtens voldoende is nie.

Die feit dat artikel 16(1) bepaal dat n verwysing na die Staatspresident in die Wet, n verwysing is na die Staatspresident handelende op advies van die Uitvoerende Raad, en dat daar gevolglik geen sprake kan wees van die uitoefening deur die Staatspresident van n individuele en onafhanklike diskresie by die oordrag van funksies onder artikel 20A nie, het nie die geleerde Regter van sy voormelde siening laat afsien nie. Die reaksie tydens betoog was dat artikel 16(2) slegs praat van "advies" en dat die Staatspresident nie gebonde is om advies te aanvaar nie.

In die lig van voorgaande wentel die probleem, gevolglik, af na die vraag of die Staatspresident onder die 1961 - Grondwet verplig was om uitvoering te gee aan die advies van die Uitvoeren-



Hood Phillips: Constitutional and Administrative Law (vierde uitgawe) op bladsy 77:

"Rules of political practise which are regarded as binding by those to whom they apply, but which are not laws as they are not enforced by the Courts or by the Houses of Parlemant."

Op eie bodem omskryf Verloren van Themaat: Staatsreg (tweede uitgawe - 1967) op bladsy 151 konvensies soos volg:

"Konvensies is gebruik wat die wye bevoegdhede van die Koning (of by ons die Staatspresident), die Ministers en die Parlement formeel, na die letter van die Regsreël, sou kan uitoefen, beperk."

Met betrekking tot die effek wat konvensies op die magte van die Staatspresident onder die vorige Grondwet het, gaan Verloren van Temaat, t.a.p., soos volg voort:

"Die gevolg van konvensies is dat die bevoegdhede in werklikheid verskuif word, sodat diegene wat formeel 'n bevoegdheid skyn te besit (en uit te oefen), dit in werklikheid nie meer op 'n ander wyse kan uitoefen nie, as wat aan hulle deur ander opgedra word. So bestaan die meeste koninklike prerogatiewe nog onverminderd, maar die Koning kan hulle nie op eie goeë dunke uitoefen nie, maar moet die advies van sy Ministers volg. Deur konvensies kry die Ministers dus groot mag, maar aan

die ander kant word hulle, as gevolg van ander konvensies, weer afhanklik van die Laerhuis.

Hierdie verskuiwing van die werklike seggenskap in die uitoefening van bepaalde bevoegdhede, bring mee dat die werklike Staatsreg anders lyk as die fommele Staatsreg skyn aan te dui."

(Die onderstreping is myne.)

Die eerste beklemtoning by wyse van onderstreping hierbo, gaan tot die wese van die vraag onder behandeling. Die tweede beklemtoning lê slegs die vinger op die probleem wat ondervind was in die Hof a quo, waar die Staatsreg toegepas was suiwer ooreenkomstig die sogenaamde letter van die Wet en sonder inagneming van konvensie.

Dion A Basson en Henning T Viljoen: Studentehandboek vir die Suid-Afrikaanse Staatsreg (1986):

"Ons eie siening is dat konvensies, of sommige daarvan in ieder geval, Staatsregtelike gewoonteregsreëls is. Dit sal dan dié wees wat baie lank reeds toegepas word en waarvan die inhoud vas en seker is."

Dat konvensies in die Engelse Staatsreg ontwikkel het om die mag van die Britse Koning te beperk, behoef geen verantwoording nie. Met betrekking tot die effek wat konvensies gehad

Bladsy 14

het en steeds het op die Britse Grondwetlikebestel, sê Hood Phillips, op. cit. op bladsy 81 die volgende:

"In this way the legal framework of 1688, a strong monarchy limited in certain sesific ways, has become a "constitutional" monarchy, that is to say a democratic political system with hereditary head of State particularly bereft of Governmental Powers."

Die Britse Koninklike prerogatiewe, asook die konstitusionele konvensies is uitdruklik op ons Staatsreg oorgedra deur die Zuid-Afrika Wet, 1909. Ten aansien van die oordrag van prerogatiewe verklaar Innes, C.J. in Union Government (Minister of Lands) v Estate Whittaker, 1916 A.A. 194 op bladsy 202:

"It is clear that the prerogative is as extensive in Natal as in England, except in so far as it has in either country been duly modified or abandoned; it is also clear that any statute affecting it must be strictly construed, and that it requires definate language or necessary implication to diminish the rights of the Crown."

(Sien ook Union Government v Tonkin, 1918 A.A. 533 op bladsye 539 - 540; Sachs v Dönges, N.O., 1950(3) S.A. 265(A) op bladsy 288 e.v.).

Artikel 8 van die Zuid-Afrika Wet, 1909, bepaal op Engels

soos volg:

"The executive Government of the Union is vested in the King, and shall be administered by his Majesty in person or by the Governor-General as his representative."

In die Ope Brief (Letters Patent) wat onder die Koninklike Seël uitgereik is te Westminster op 29 Desember 1909, verskyn in klousule 3 daarvan:

"The Governor-General may on our behalf exercise all powers under the South Africa Act, 1909, or otherwise in respect of the summoning, proroguing, or dissolving the Parliament of the Union."

Na die aanvaarding van die Britse Statuut van Westminster, 1931 waardeur soewereiniteit aan die Parlemente van die destydse Britse Vrygeweste verleen was, het die Parlement van die Unie van Suid-Afrika die Wet op die Status van die Unie, 1934 (nr 69 van 1934), aangeneem. Artikel 4 van daardie Wet maak voorsiening daarvoor dat die Goewerneur-generaal sy bevoegdhede onder die Suid-Afrika Wet uitoefen handelende op advies van die Ministers. Artikel 4(3) van daardie Wet bevat wesenlik dieselfde bepalinge as artikel 16(3) van die 1961 - Grondwet.

Die konvensies wat in die Britse Staatsreg bestaan het, was

gevolglik deur wetgewing in ons stelsel ingedra en, ten aansien  
an daardie konvensies wat relevant is tot die onderhawige  
geding, onveranderd gegeld in die 1961 - Grondwet ten tye  
van die uitvaardiging van proklamasie R 30 van 1984. Van  
die vele konvensies wat op daardie wyse deel van ons Staatsreg  
geword het, is een daarvan bepalend vir die vraag onder bespreking.  
Hood Phillips op cit bladsy 86 omskryf daardie konvensies  
soos volg:

"The Queen is bound to exercise her legal powers in accordance  
with the advice tendered to her by the Cabinet through the  
Prime Minister. She has the right to be kept informed and  
to express her views on the question at issue, but not to  
override ministerial advice."

Voormelde konvensie was onder die 1961 - Grondwet net so  
van toepassing op die Staatspresident gedagtig daaraan dat  
artikel 7(4) van daardie Wet bepaal dat die Staatspresident  
as hoof van die Staat bekleed word met dieselfde bevoegdhede  
en funksies as wat die Koningin onmiddellik voor die inwerking  
treding van die Wet by wyse van prerogatief gehad het.

Die enigste gesag in ons Regspraak wat ek kon opspoor in  
die tyd tot my beskikking, waarin hierdie besondere konvensie  
onder bespreking, toegepas was, word gevind in Schierhout v Union

Bladsy 17

Government, 1927 A.A op bladsy 101 - 2, waar De Villiers J.A., dit soos volg hanteer:

"The constitutional position therefore is that the Governor-General, except in the case of murder which is specially dealt with in the Letters Patent and possibly in one or two other cases, of which this is not one, is bound to accept the advice of his Executive Council. In all such matters there is no discretion in the Governor-General personally.

That being the case, there is no legal duty upon him to peruse the documents and to make up his mind upon them. He may do so or not as he pleases. If he does so, and inclines to a view different to that held by his responsible advisors he may no doubt put his personal views before them and endeavour to persuade them from the proposed course. But more he cannot do. If the Ministers persist in the course advised, the Governor-General has no option but to approve."

(Die onderstreping is myne.)

Hoewel toepaslik, maar minder duidelik en kennelik obiter is Corbett, J.,M se dicta in S A Defence and Aid Fund and another v The Minister of Justice, 1967(1) S A 31(K) op bladsy 34, waar die volgende verskyn:

"..... the Act is silent. It does not indicate how this information is to be used by the Minister or what the procedure thereafter should be. I have no doubt that in accordance

Bladsy 18

with the usual constitutional practise in such matters ..... the Minister, having considered the matter, would lay the relevant information together with his own views and recommendations, before the Executive Council which would then decide whether it was satisfied that the necessary grounds for the declaring of the organisation unlawful existed. If it was so satisfied and it was decided to exercise the power to declare the organisation unlawful, then the State President would be advised accordingly."

8.

In die lig van die voorgaande uiteensetting van die Staatregtelike beginsels wat gegeld het ten tye van die uitreiking van proklamasie R 30 van 1954, is ek die mening toegedaan dat die proklamasie behoorlik uitgereik is coreenkomstig die bepalinge van artikel 20A van die Grondwet. Hoewel dit die Staatpresident se prerogatief was om op te tree kragtens sy bevoegdheid verleen deur artikel 20A, was daardie prerogatief aan bande gelê deur konvensie en had hy geen ander keuse nie as om sy goedkeuring te heg aan die oordrag van die betrokke funksies vanaf die Minister van Justisie na die Minister van Wet en Orde. (Vergelyk Schierhout v Union Government, supra, op bladsye 101 - 2).

9.

Die tweede betoogpunt wat deur die UDF aangevoer was, het bestaan uit 'n spitsvondige en unieke benadering tot die audi alteram partem - beginsel. Dit was so gestel: "The First Respondent (Die Staatspresident) had a discretion as to whether or not notice of intended action against the First Applicant (UDF) should be given to the First Applicant. That discretion had to be exercised properly. The submission is that the First Respondent did not do so because he simply assumed that once there was no obligation in law to give such notice to the First Applicant he would not do so."

Na my mening was hierdie betoog gebaseer op 'n totale wanbegrip van die audi alteram partem - beginsel en die effek van die uitsluiting daarvan deur die wetgewer.

Soos gesien sal word by die lees van artikel 2 van die Wet op Geaffekteerde Organisasies, hierbo aangehaal, is die Staatspresident by magte om die verklaring te doen sonder kennisgewing aan die betrokke organisasie. 'n Bepaling in 'n wet dat die bekleër van 'n mag iets kan doen sonder kennisgewing aan die persoon of instansie wat daardeur geraak word, is sonder uitsondering deur ons howe vertolk as 'n verklaarde bedoeling aan die kant van die wetgewer om die audi alteram partem - beginsel uit te sluit. (Sien byvoorbeeld South African Defence and Aid Fund v Minister of Justice, 1967(1) SA 263(A))



op bladsy 268; R. v Ngwevela, 1954 (1) SA 123(A) op bladsy 131; sien ook Omar en ander teen die Minister van Wet en Orde en ander (Appèl-Afdeling) 25 Junie 1987 (ongerapporteerde)).

Moeilik soos dit is om die advokaat van UDF se betoog te volg op hierdie punt, skyn dit op die volgende neer te kom: hoewel hy toegee dat die audi alteram partem - beginsel uitgesluit is, kom dit daarop neer dat die Staatspresident geen vooraf kennisgewing aan n organisasie hoef te gee nie, maar tog nog n soort persoonlike willekeurige diskresie behou om te besluit of hy desnieteenstaande die bepalinge van die Wet, vrywilliglik kennis moet gee aan die organisasie. Die Staatspresident het nie sy diskresie hieraangaande uitgeoefen nie en die verklaring van UDF tot verbode organisasie was, aldus die betoog, regtens ongeldig.

Na my mening is dit n drogredinasie en word as sodanig ontbloot by n behoorlike ontleding van die tersake beginsels.

Die bevoegdingsfeite (Jurisdictional facts) wat teenwoordig moes wees, alvorens die Staatspresident n geldige verklaring van die UDF tot n geaffekteerde organisasie kon maak, is die volgende:

- a) Die Staatspresident moes oortuig wees dat politiek deur of deur middel van die UDF bedryf word met behulp van of in samewerking met of in oorslag met of onder die invloed van n organisasie of persoon in die buiteland;

Bladsy 21

- b) Voordat die Staatspresident tot die voorgaande oortuiging geraak, moes die Minister van Wet en Orde oorweging geskenk het aan 'n feiteverslag wat met betrekking tot die UDF gedoen is deur 'n komitee bestaande uit drie landdroste deur die Minister aangestel, van wie minstens een 'n Hoof- of Streeklanddros moes wees.

By ontstentenis aan uitsluiting daarvan deur die sinsnede in artikel 2 - "sonder kennisgewing aan" die UDF - sou die audi alteram partem - beginsel in die artikel ingelees moes word as 'n verdere bevoegdingsfeit. (Sien Publications Control Board v Central News Agency, 1970 (3) SA 479 (a) op bladsye 488 - 9).

10.

Soos reeds daarop gewys is die audi alteram partem- beginsel onderhawig uitgesluit en die enigste bevoegdingsfeite wat teenwoordig moes wees vir 'n geldige verklaring kragtens artikel 2 was dié vervat onder (a) en (b) hierbo. Dit synde die posisie, kan daar nie gesê word nie dat, omdat die Staatspresident buite die bepalinge van die Wet die reg gehad het, indien hy dit so sou verkies, om aan die UDF kennis te gee van sy voorneme, hy, deur dit nie te doen nie, 'n ongeldige verklaring gemaak het.

Bladsy 22

Na my mening is hierdie besondere punt op die feite nie vir die UDF beskikbaar nie. Die hele betoog is daarop gebaseer dat die Staatspresident skynbaar onder die indruk was dat hy in effek verbied was deur artikel 2 van die Wet om vrywilliglik kennis te gee van sy voorneme en dat hy nooit besef het dat hy so n vrywillige kennisgewing kon gee nie. Op bladsy 178 van die stukke (paragraaf 12.15) verwys die Staatspresident na die reg vervat in artikel 2 om sonder kennisgewing aan UDF die betrokke proklamasie uit te vaardig en verklaar hy dat hy verkies het om dit so te doen. Hieruit volg dit dat die Staatspresident wel n diskresie daaringaande uitgeoefen het.

11.

n Verder aanval op die geldigheid van die verklaring van die UDF tot n geaffekteerde organisasie, was ook gerig op die inhoud van proklamasie R 30 van 1984. Dit was so bewoord: "What is authorised by section 20A (1) of the 1961 constitution is the assignment of "the administration of any provision in any law". This is not to be equated with a power to assign the power, duty or function itself from one Minister to another. The First Respondent, however, did not confine himself to an assignment of the administration of the law in proclomation R30 of 1984. It does not refer to the assignment of the administration of any law at all - it purports to transfer

Bladsy 23

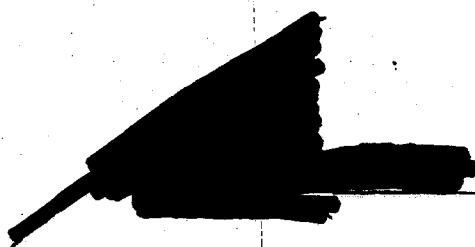
directly the powers, duties and functions entrusted to the Minister of Justice in terms of three statutes, to the Minister of Law and Order."

Na my mening is hierdie betoogpunt toereikend en atdoende beantwoord in die hoofde van betoog wat namens die Minister van Justisie tydens die verrigtinge in die hof a quo geliasseer was. In wese kom dit daarop neer dat die betoogpunt deur die bepalinge van artikel 10 van die Interpretasiewet, nr 33 van 1957 ongedaan gemaak word.

12.

In die vooropstelling is ek die mening toegedaan dat die vooruitsigte dat die Appèlhof die Staatspresident se appèl sal kan handhaaf, goed is.

GEDATEER te PIETERMARITZBURG op hierdie 20ste dag van AUGUSTUS 1987.



Kamers N B S Stadsentrum  
Kerkstraat  
PIETERMARITZBURG

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA(APPÈLAFDELING)

Saaknommer: 7395/86

In die saak tussen:

UNITED DEMOCRATIC FRONT

Eerste Applikant

DURBAN HOUSING ACTION COMMITTEE

Tweede Applikant

NATAL ORGANISATION OF WOMEN

Derde Applikant

CURNICK NDHLOVU

Vierde Applikant

en

DIE STAATSPRESIDENT VAN DIEREPUBLIEK VAN SUID-AFRIKA

Eerste Respondent

DIE REGERING VAN DIEREPUBLIEK VAN SUID-AFRIKA

Tweede Respondent

DIË MINISTER VAN WET EN ORDE

Derde Respondent

DIE MINISTER VAN JUSTISIE

Vierde Respondent

DIE REGISTRATEUR VANGEAFFEKTEERDE ORGANISASIES

Vyfde Respondent

MEMORANDUM

1.

— Ek het die evaluasie van die uitspraak van Sy Edele Regter Didcott, opgestel deur die Regsentrum deurgelees. Behalwe om te gelet het op die deeglikheid van die evaluasie wens ek die volgende opmerkings daaraangaande te maak:

1.1. PARAGRAAF 6(a) op p. 4:

Dit mag wees dat die kar hier voor die perde gespan word: die reëls van Wetsuitleg kom ter sprake wanneer die woorde van die Wet op hulle normale letterlike en algemeen aanvaarde betekenis, dubbelsinnig of vaag is. Dit kom my voor dat daar niks vaags in *Proklamasie R30* is weens die invoeging van die woord "goedkeur" nie. 'n Mens probeer juis om die bedoeling van die Wetgewer af te lei uit die woorde. Hierdie paragraaf gaan uit van 'n bedoeling en daar word gepoog om die woorde te laat inpas by die bedoeling, wat in die eerste plek nie uit die proklamasie blyk nie. Volgens die normale en letterlike betekenis van die woorde vervat in *Proklamasie R30* van 1984 word kennis gegee dat die Staatspresident die gemelde oordrag goedkeur - niks minder nie en niks meer nie. Die Hof op Appèl mag dus tot die gevolgtrekking kom dat die reëls van wetsuitleg gladnie ter sprake kom nie omdat daar geen dubbelsinnigheid of onduidelikheid is nie.

1.2. PARAGRAAF 6(e) op p. 6:

Die punt wat hier gemaak word is vatbaar vir die volgende kritiek: alhoewel *Artikel 20A* geen voorskrif bevat oor die wyse waarop die Staatspresident sy besluit moet uitoefen nie, moet die Staatspresident gebonde geag word aan die wyse wat hy verkies om sodanige besluit te manifesteer. In die onderhawige geval het hy besluit om dit by wyse van *Proklamasie R80* te doen. Daar kan nie nou gesê word dat *Proklamasie R30* maar geïgnoreer kan word, bloot

omdat daardie proklamasie nie die bedoeling van die Staatspresident behoorlik weergee nie. Dit is ook nie vir my 'n uitgemaakte saak dat dit gesê kan word dat *Proklamasie R30* slegs ten doel het om kennis te gee van 'n besluit nie. Dit is immers administratiefregtelik 'n aanvaarde metode om 'n gebod of verbod uit te vaardig by wyse van publikasie in die Staatskoerant.

1.3. PARAGRAAF 6(f) op p. 6:

Hierdie punt sluit aan by paragraaf 6(e) hierbo na verwys. Die enigste tasbare voorwerp wat kan dien om die "werklike vraag" waarna hier verwys word, te beantwoord, is *Proklamasie R30*.

1.4. PARAGRAAF 6(g) op p. 7:

Daar word uitgegaan van die standpunt "selfs al is die proklamasie aanduidend van die aard van die handeling wat die Staatspresident kragtens Artikel 20A(1) verrig het .....". Die probleem wat ek met hierdie uitgangspunt het is dat *Proklamasie R30* juis nie aldus aanduidend is nie. *Proklamasie R30* is inderdaad die besluit van die Staatspresident.

1.5. PARAGRAAF 7 op p. 8:

Die Regsentrum beveel aan dat voorgegaan word met die appél. Terselfdertyd voorsien die Regsentrum 'n wesenlike probleem met die beredenering van die vraag of

die *audi alteram partem*-reël toepaslik is aldan nie.  
[Vergelyk paragrawe 16 tot 24 op pp. 12 tot 18.] Dit  
kom my voor asof hier moontlik 'n weerspreking is.

2.

Graag wil ek die volgende ter hand gee:

- 2.1. Die UDF is 'n organisasie wat hom beywer vir die omverwerping van die geordende bestaande Staatsbestel;
- 2.2. As gevolg van die UDF se aktiwiteite, optrede en aanstigting, is in die verlede reeds talle kampanjes geloods om bovermelde doel te verwesenlik;
- 2.3. Indien 'n mens literatuur wat deur die UDF versprei word, lees, en indien 'n mens gedagtig is aan die werksaamhede en bedrywighede en die doelstellings van die UDF, ontstaan die vraag by my waarom die UDF nie eenvoudig verban word nie.
- 2.4. Hangende die uitslag van 'n appél gaan die UDF doorgewoon voort met sy bedrywighede en verkry hy waarskynlik op indirekte wyse voldoende fondse om hom in staat te stel om dit te kan doen; die feit dat die UDF tot 'n geaffekteerde organisasie verklaar is, glo ek nie het veel praktiese nut om te verhoed dat die UDF fondse uit die buiteland ontvang nie. Hier kan maar verwys word na wat geblyk het in die Ball-Kommissie van Onderzoek voor Sy Edele Regter Munnik.



- 2.5. Selfs al was daar hoegenaamd geen risiko vir die Regering om die appèl te verloor nie, bly die vraag: waarom voortgaan met die appèl wanneer die Staatspresident net so maklik 'n verdere bevel kan uitreik waardeur die UDF tot 'n geaffekteerde organisasie verklaar word, of selfs verban word?
- 2.6. Soos egter blyk uit die evaluasie van die Regsentrum, kan dit nie gesê word dat die appèl sonder risiko's is nie. Die vraag hierbo gestel word na my mening verskerp deur sodanige risiko's.
- 2.7. My persoonlike oordeel is ook dat daar 'n goeie kans op sukses op appèl in die saak is.

3.

Ter opsomming wil ek graag soos volg saamvat: alhoewel dit aanvaar kan word dat daar 'n redelike goeie vooruitsig op sukses in die appèl is, is die vraag of daar nie in die onderhawige geval pragmaties opgetree behoort te word nie. Dit kom my voor asof 'n mens op 'n direkte en eenvoudige wyse die aktiwiteite en bedrywighede van die UDF 'n knou kan toedien deur 'n nuwe bevel uit te reik of hom te verban, eerder as om die omslagtige prosedure van die appèl deur te voer. Immers, en aan die einde van die dag, kom die hele aangeleentheid ongetwyfeld neer op 'n administratiewe fout wat begaan is met die bewoording van **Proklamasie R30.**

4.

Indien besluit sou word om voort te gaan met die appèl, mag ek vermeld dat die vertoë aan die Appèlhof reeds voorberei is en gereed is vir liassering.

Kamers  
14 Julie 1937

*Louis Visser*

L J L VISSER, SC

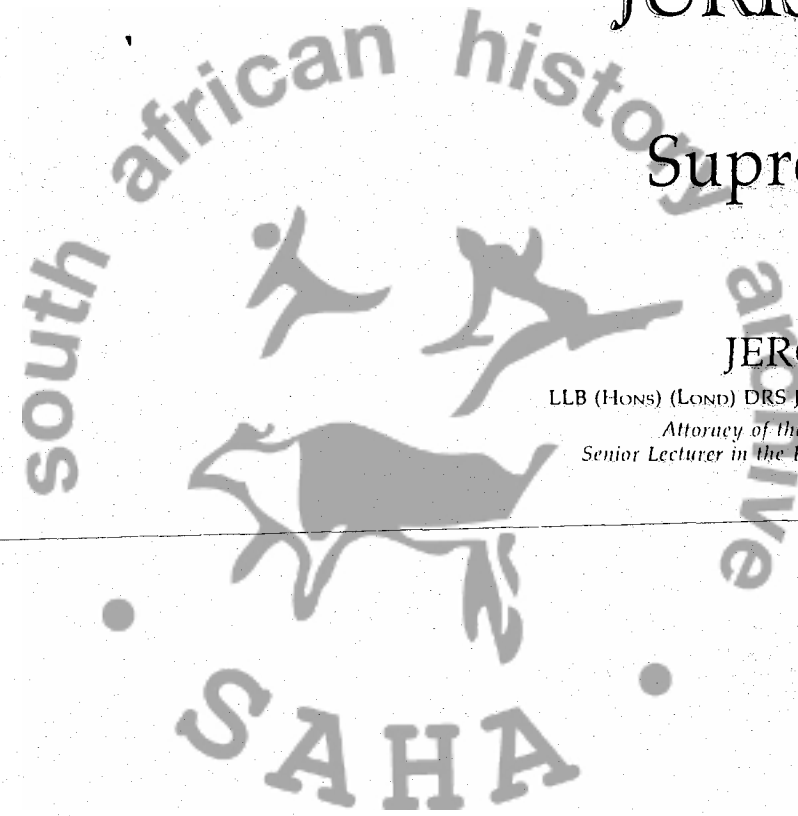


The  
INHERENT  
JURISDICTION  
of the  
Supreme Court

JEROLD TAITZ

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121

Historically the Supreme Court of the Cape of Good Hope (Cape Supreme Court) is the most important. It was the first superior court to be established by England in southern Africa and was the immediate successor to the Raad van Justitie which was established in 1654 by the Dutch East India Company. Apart from the fact that both were the highest judicial authority at the Cape during their respective periods of existence, they had little else in common. In terms of the Charter of Justice of 1834 the Cape Supreme Court was obliged to follow English judicial procedure. The introduction of the English judicial system was the logical conclusion to the adoption of the English law of evidence.<sup>26</sup> English criminal procedure had already replaced the Roman-Dutch procedure.<sup>27</sup> The Charter provided further that the rules of civil procedure, the forms of practice and process of the new court were to be framed '... with reference to the corresponding Rules and Forms ...' in use before the King's Courts at Westminster.<sup>28</sup>

The Supreme Courts of Natal,<sup>29</sup> the Transvaal,<sup>30</sup> and the Orange River Colony<sup>31</sup> were established by statute, as were the Court of the Eastern Districts of the Cape,<sup>32</sup> the High Court of Griqualand<sup>33</sup> and the High Court of the Witwatersrand.<sup>34</sup> The

<sup>26</sup> Ordinance 72 dated 2 March 1830.

<sup>27</sup> Ordinance 40 dated 25 January 1828.

<sup>28</sup> Section 45 of the Charter of Justice. The early courts in Natal, the Orange Free State Republic and the Transvaal Republic all followed the Cape Rules of Civil Procedure; see inter alia Hahlo & Kahn *The Union of South Africa: The Development of its Laws and Constitution* (1960) 21-3; Kotze *The Administration of Justice in the South African Republic (Transvaal)* (1919) 36 SALJ 128 at 132; Kahn *The History of the Administration of Justice in the South African Republic*. (1958) 75 SALJ 294 at 302 et seq; A P J Van Rensburg *Die Rol deur Landdroste, Vrederegters en Veldkornette in die Distrik van Bloemfontein vanaf 1854-1880 gespeel* (MA Thesis) *Archives Year Book for South African History* (1954) 187 at 196 et seq; see further Wypkema *A De Invloed van Nederland op Ontstaan en Ontwikkeling van de Staatsinstellingen der ZA Republiek tot 1881* (1939) at 189 and 348; and by the same author *Die Invloed van Nederland en Nederlandse-Indië op Ontstaan en Ontwikkeling van die Regswese in Suid-Africa tot 1881* (1934) at 157 and 198 et seq.

<sup>29</sup> Ordinance 14 of 1845 (Cape) established the District Court of Natal with its seat at Pietermaritzburg. When representative government was established in 1857, the District Court was abolished and the Supreme Court of Natal was established by Law 10 of 1857 (Natal).

<sup>30</sup> The Establishment of the Supreme Court and the High Court Ordinance 2 of 1902 (Transvaal).

<sup>31</sup> The Administration of Justice Ordinance 4 of 1902 (ORC).

<sup>32</sup> Act 21 of 1864.

<sup>33</sup> Proclamation 69 of 1871 (27 October 1871).

<sup>34</sup> See n 30.

Charter of Justice of 1834 and the statutes establishing the other supreme courts were subsequently repealed by legislation<sup>35</sup> which enacted the constitution and statutory jurisdiction of the Supreme Court of South Africa.<sup>36</sup>

From the above there can be little doubt that the Supreme Courts of the four colonies were creatures of statute as is the Supreme Court of South Africa and its constituent divisions. Furthermore, there can be little doubt that the courts established by Great Britain at the Cape and in Natal, the Orange River Colony and the Transvaal were modelled on the lines of English superior courts.

§ 2. *The general jurisdiction of the Supreme Court is derived from legislation, the common law and its inherent jurisdiction*

As indicated above, the Appellate Division possesses only an appellate jurisdiction and any reference hereafter to the Supreme Court is to the provincial or local divisions as courts of first instance. In terms of s 19(1)(a) of the Supreme Court Act 1959,

'a provincial or local division shall have jurisdiction over all persons residing or being in and in relation to all causes arising and all offences triable within its area of jurisdiction and all other matters of which it may according to law take cognizance. ...'

The jurisdiction as conferred by the enabling section is complemented by the following general enactment (s 19(3)):

'The provisions of this section shall not be construed as in any way limiting the powers of a provincial or local division existing at the commencement of this Act, or as depriving any such division of any jurisdiction which could lawfully be exercised by it at such commencement.'

The wording of s 19(1)(a) is substantially similar to the enabling sections in the Charter of Justice and the statutes establishing the Supreme Courts of the former colonies, more particularly the references to '... all persons residing or being in ...' and to

<sup>35</sup> Section 46 read with the Second and Fourth Schedules to the Supreme Court Act 59 of 1959.

<sup>36</sup> Sections 19 and 21 read with the First Schedule to the Supreme Court Act 1959.

The last sentence smacks of the *ubi ius ibi remedium* principle<sup>228a</sup> which, as will be observed below, is not to be confused with the inherent jurisdiction of the Court.<sup>229</sup> This suggestion is corroborated by the fact that had the learned judge not granted the relief sought, the applicant, who enjoyed a substantive right to the property and to the relief sought, would have been remediless. Accordingly the Court was seized of a true *ubi ius ibi remedium* situation. From the decision it follows that the learned judge erred first, in that he confused the inherent powers of the Court with its common law powers.<sup>230</sup> Secondly, he equated the *ubi ius ibi remedium* principle with the inherent powers of the Court.<sup>231</sup>

On other occasions the Court has granted relief based on common law principles which it has (erroneously) referred to as its inherent powers. For example, in *Marais v Smit*<sup>232</sup> the Court held that by virtue of its inherent jurisdiction it was competent to consider and grant orders of perpetual silence, a power which it enjoys by virtue of the common law and not through its inherent jurisdiction. It would appear, too—at least in certain of these cases—that the term ‘inherent jurisdiction’ has been equated with unwritten law, an equally erroneous misconception.

### § 5. *The inherent jurisdiction of the Appellate Division*

Although it may appear beyond the scope of this work, the subject is of importance as it not only makes an interesting contrast with the inherent jurisdiction exercised by the Supreme Court as a court of first instance but is helpful also in isolating what may correctly be described as the inherent powers of the Court. The study is apposite, too, in that the dichotomy between inherent powers and prerogative powers is clearly shown.

As with the provincial and local divisions, the Appellate Division was created by statute.<sup>233</sup> The Appellate Division possesses only an appellate jurisdiction. It is the highest court in the Republic and its decisions are binding on all other courts.

<sup>229</sup> See 93 et seq below

<sup>230</sup> See the *Millsite* case (supra n 223) at 585F et seq. <sup>231</sup> Ibid.

<sup>232</sup> 1909 TS 147 at 149. <sup>233</sup> Section 96 of the South Africa Act 1909.

The Appellate Division is bound by its own judgments unless they are subsequently found to be *per incuriam*.<sup>234</sup>

There can be little doubt that the Appellate Division enjoys an inherent jurisdiction:

- (a) To prevent an abuse of its process.<sup>235</sup>
- (b) To regulate its own proceedings, eg by condoning a failure to comply with its rules. While today condonation of any failure to comply with its rules may be condoned by the Court in terms of its rules,<sup>236</sup> there are cases where the Court condoned such failures before the relevant (condoning) rule was promulgated. For example in *Halliwell v Johannesburg Municipality*<sup>237</sup> the Court dispensed with the necessity of filing security, and in *Foxon v Foxon*<sup>238</sup> the Court ordered a contribution towards the costs of appeal. The Appellate Division has regulated its proceedings other than by way of framing rules. In the past the chief justice has circulated instructions regarding matters of procedure before the Court.<sup>239</sup>
- (c) To rectify its own ambiguous judgments or orders.<sup>240</sup>
- (d) Within the terms of relevant legislation to control and regulate the conduct of its officers and the grounds for their removal from the roll for misconduct. Furthermore, the Court may regulate the terms for the readmission of legal practitioners removed from the roll on account of misconduct.<sup>241</sup>
- (e) To grant bail pending its decision in a criminal appeal.<sup>242</sup>
- (f) To punish persons impairing its dignity.<sup>243</sup>

These powers, it is submitted, are enjoyed by the Appellate Division by reason of its being a superior court and are necessary to its functioning as such.

<sup>234</sup> Inter alia *Union Government v Rosenberg (Pty) Ltd* 1946 AD 120 at 130; *Harris v Minister of the Interior* 1952 (2) SA 471 (A); *LTA Engineering Ltd v Seacat Investments (Pty) Ltd* 1974 (1) SA 747 (A) at 771.

<sup>235</sup> *Hudson v Hudson & another* 1927 AD 259; *Verkouteren v Savage* 1919 AD 183.

<sup>236</sup> Rule 13 of the Rules of the Appellate Division.

<sup>237</sup> 1912 AD 392. <sup>238</sup> 1914 AD 176. <sup>239</sup> See n 73.

<sup>240</sup> *Wessels & Co v De Beer* 1919 AD 172; *Randfontein Estates v Robinson* 1921 AD 515. Cf *West Rand Estates Ltd v New Zealand Insurance Co Ltd* 1926 AD 173.

<sup>241</sup> *Kudo v Cape Law Society* 1977 (4) SA 659 (A); cf *Law Society Transvaal v Behrman* 1981 (4) SA 538 (A).

<sup>242</sup> *R v Vlotman* 1911 AD 632. <sup>243</sup> *In re MacKenzie* 1933 AD 367.



ry/Spesdl

DEPARTEMENT VAN JUSTISIE  
DEPARTMENT OF JUSTICE

Direkteur-Generaal/Director-General • Minister

Lêer/File No. 23/5/3/4 (DDS)

EVALUASIE VAN DIE DIDCOTT-UITSPRAAK IN DIE UDF-SAAK

1. Die Minister het versoek dat die Regsentrum hom van 'n evaluasie van regter Didcott se uitspraak in die UDF-saak voorsien asook of die Regsentrum akkoord gaan met die feit dat aansoek om verlof om te appelleer aangevra is en wat die moontlikheid van sukses op appèl is.

2.1 Die uitspraak in die saak is nog nie beskikbaar nie maar is dringend aangevra. By ontvangs van die uitspraak sal dit dringend bestudeer word en daar sal ook bepaal word of die uitspraak enigszins die terugoordra van die bevoegdhede van die Wet op Geaffekteerde Organisasies, 1974 (Wet 31 van 1974), op 1 April 1987 aan die Minister van Justisie raak. Die Minister van Justisie sal so spoedig doenlik daaroor ingelig word.

2.2 Daar dien op gewys te word dat Proklamasie No R30 van 1984 (gevlag "R.30") waarin die bevoegdhede van die Wet op Geaffekteerde Organisasies, 1974 van die

Minister van Justisie na die Minister van Wet en Orde oorgedra is, ook die bevoegdheid van die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953), en die Wet op Traangas, 1964 (Wet 16 van 1964), aan die Minister van Wet en Orde oorgedra het. Die bevoegdheid van die Wet op Openbare Veiligheid, 1953 en die Wet op Geaffekteerde Organisasies, 1974 is op 1 April 1987 weer aan die Minister van Justisie oorgedra. Indien die Appèlhof sou bevind dat dié oordrag van bevoegdheid onreëlmstig was, sal die bevoegdheid van die Wet op Traangas, 1964 weer opnuut aan die Minister van Wet en Orde oorgedra moet word.

3. Die kern van die UDF-saak kan kortliks soos volg saamgevat word:

- (1) Die applikante het aansoek gedoen in die Durban en Kus Plaaslike Afdeling van die Hooggeregshof van Suid-Afrika dat die verklaring van die eerste applikant tot 'n geaffekteerde organisasie deur die eerste respondent tersyde gestel moet word.
- (2) Die saak het op 6, 7 en 8 Mei 1987 voor regter Didcott gediën.
- (3) Nadat die saak deur die advokate vir die applikante en onderskeie respondente

beredeneer is, het regter Didcott op 8 Mei 1987 uitspraak gelewer en bevind dat die oordrag van magte, pligte en werksaamhede van die Minister van Justisie aan die Minister van Wet en Orde met betrekking tot die Wet op Geaffekteerde Organisasies, 1974, by wyse van Proklamasie R30 van 9 Maart 1984 nie behoorlik plaasgevind het nie. Die bevinding is daarop gebaseer dat die destydse Staatspresident in die Proklamasie meld dat hy "goedkeuring" verleen aan die oordrag van alle bevoegdhede, pligte ens en nie inderdaad die pligte, bevoegdhede ens oordra nie. Die hof het die volgende bevel gemaak:

(3.1) "Declaring that the declaration by the First Respondent (Die Staatspresident) contained in Proclamation No 190 of 9 October 1986 (dws die verklaring van die UDF tot geaffekteerde organisasie) is of no force and effect in law;

(3.2) Declaring that the Fifth Respondent (die Registrateur van Geaffekteerde Organisasies) is not entitled to take any steps against the First Applicant (UDF) pursuant to the



declaration contained in Proclamation No 190 of 1986, read with Act No 31 of 1974 ;

(3.3) Declaring that the Fourth Respondent (Minister van Justisie) is not entitled to exercise any powers vesting in him in terms of Act 31 of 1984 against the First Applicant (UDF) arising from the declaration contained in the said Proclamation No 190 of 1986;

(3.4) Directing the Second Respondent (Die Regering van die Republiek van Suid-Afrika) to pay the Applicants' costs."

(4) Die hof het ook aan al die respondente verlof verleen om na die Appèlafdeling van die Hooggeregshof te appelleer.

(5) Tydens die uitspraak, en ook vroeër gedurende die verrigtinge, het die hof gemeld dat die saak in die Durban en Kus Plaaslike Afdeling duidelik 'n kleeedrepetisie is vir die Appèlafdeling en dat die saak bestem is om

uiteindelik in die Appèlafdeling te beland wat ook al die hof a quo se uitspraak.

(6) Wat betref die toepassing van die audi alteram partem-reël het die hof hom nie duidelik uitgespreek nie en aangedui dat die applikante se benadering in die verband 'n heel nuwe benadering is wat uiteindelik ook deur die Appèlafdeling beslis moet word.

(7) Ten opsigte van die vraag of die eerste applikant politiek bedryf met buitelandse hulp het die hof hom ook nie duidelik uitgelaat nie. Sekere voorbeelde is deur die hof genoem sonder om werklik uitsluitel daaroor te gee.

(8) Wat betref die vraag of die "administration" van die Wet kragtens Proklamasie R30 oorgedra is en nie die pligte, bevoegdhede en werksaamhede nie, soos aangevoer deur die applikante, het die hof aangedui dat die vierde respondent (die Minister van Justisie) se betoog in hierdie verband die korrekte blyk te wees nl dat dit die uitvoering van die pligte, bevoegdhede ens is wat oorgedra word. Soos reeds gemeld het die hof egter bevind dat so 'n oordrag inderdaad nie

plaasgevind het nie in die lig van die bewoording van Proklamasie R30 van 9 Maart 1984.

(9) Tydens sy uitspraak het die hof aangedui dat hy aanvaar dat alle uitvoerende handeling wat die voorgenome oordrag van pligte, bevoegdhede ens voorafgegaan het korrek gevolg en nagekom is maar dat die werklike oordrag nie geskied het nie.

(10) Die feit dat die hof verloop tot appèl aan die respondente verleen het, het die gevolg dat die uitwerking van die uitspraak opgeskort word hangende die appèl en dat die status quo, nl dat die eerste applikant 'n geaffekteerde organisasie is, gehandhaaf word.

4. Die advokate wat namens die Staat in die saak opgetree het, is van oordeel dat daar redelike vooruitsigte is om in die Appèlhof te slaag. Die Regsentrum gaan akkoord met hierdie sienswyse.

5. Ter inligting kan vermeld word dat volgens inligting van die Suid-Afrikaanse Polisie verkry, die UDF gedurende September 1986, kort voordat dit as 'n geaffekteerde organisasie op 9 Oktober 1986 verklaar

is, die volgende banksaldo's in die onderskeie takke gehad het:

Transvaal	R34 649,49
Oos-Kaap	R 9 168,23
Suid-Kaap	R 54,64
Noord-Kaap	R 17,90
Grens	R 267,43

TOTAAL

R44 157,69

VOORSITTER : REGSENTRUM

*NS* J J DU PLESSIS

12.5.1987

DIREKTEUR-GENERAAL : JUSTISIE

Kennis geneem /

H J COETSEE, LP  
MINISTER VAN JUSTISIE

# The battle against apartheid has moved into the courtrooms



**Sheryl Raine** (Review)

**T**WICE in five days the Natal Supreme Court has handed down rulings which struck at the heart of the Government's emergency regulations.

Last week came a ruling from the Maritzburg Supreme Court by Mr Justice Galgut and Mr Justice Page which undercut key emergency regulations relating to media coverage of unrest. The Government and the United Democratic Front (which brought the application) have been granted leave to appeal.

Then this week two emergency provisions that prohibit campaigns for the release of detainees, as well as freedom of the Press and freedom of speech, were declared of no force and effect in the Durban Supreme Court by Mr Justice Leon.

Mr Justice Leon ordered that the definition of a "subversive statement" in as paragraph A (IX) of Proclamation R224 of the Public Safety Act, published on December 11, and a notice issued by the Commissioner of Police on April 10 be declared of no force and effect in law.

The Government has been granted the right to appeal in what is increasingly being seen as a clash between Government by proclamation and the law.

In a recent edition of the prestigious *National Law Journal* for the legal profession in the United States,

Mr Steve Mufson wrote about "the awakening of the South African judiciary" and its significance.

This awakening of the South African judiciary, he observed, "coincided with growing ambiguity about its role as it is drawn deeper into political cases".

The observations made by the journal help to explain the tension which is growing between Government and at least one division of the Supreme Court.

Two states of emergency in two years have forced thousands of activists into hiding or detention, so much of the battle against apartheid has moved from the dusty streets of the black townships into the courtrooms.

Mr Justice Didcott of the Natal Supreme Court and some of his colleagues have startled the Government with their refusal to rubberstamp repressive measures. Since the latest state of emergency was declared on June 12, judges have thrown out Press restrictions, made police justify arrests, enabled lawyers to gain access to detainees and visited detainees to try to end widely alleged incidents of torture. The judges thus have restored an element of tension between the Government and the judiciary that has been missing for more than 25 years.

As Mr Justice Didcott says "If we have had periods without this tension, it is because the judiciary hasn't been doing its job properly."

And "doing the job" is not easy in South Africa. With the exception of a provision for the equality of the English and Afrikaans languages, the South African Constitution says nothing at all about "rights". Judges cannot declare legislation unconstitutional. The National Party-dominated Parliament's will is considered supreme — even when it violates Roman Dutch common law that is supposed to underpin South African jurisprudence.

If the courts rule that a government action is illegal, Parliament can simply amend the statute to allow the action. When one court ruled that policemen below a certain rank weren't empowered to detain

Sunday Star

3 Mei 1987

SA courts flex their muscles

From Page 1

Sunday Star

3/5/87

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(Review, p=)

vists, the Government simply rewrote the regula-  
 s.  
 judicial power is limited to interpreting and enforce-  
 legislation and reviewing decrees issued by Presi-  
 Botha and his Ministers without specific approval  
 Parliament.  
 liberal judges have resorted to such tactics as de-  
 ing a governmental action invalid because of imper-  
 grammar in a decree. For example, Mr Justice  
 edman of the Natal Supreme Court released an  
 vrist held 61 days without a hearing — hinging his  
 er on a comma that was missing from the Afri-  
 ns version of the 1953 Public Safety Act.  
 With that missing comma, the judge proceeded to  
 nterpret the scope of the President's power in case  
 n emergency. And although the comma in question  
 eared in the English version of the Bill, only the  
 kaans version of the Bill was signed. The Govern-  
 nt appealed against the case — and it was only the  
 rime in history that South Africa's Appeal  
 ert has felt compelled to rule on a constitutional  
 uestion.  
 Even though Mr Justice Friedman's ruling was  
 ntually overturned on appeal, it shows how the atti-  
 e of some judges is changing.  
 And judges' decisions do matter, because the South  
 ican Government likes to boast that it is a legal  
 te that does things by the book.

"South Africa is a democratically-governed state,  
 and it is a civilised state ... we have a system of  
 judicial justice in this country," said President Botha  
 recently.

"The future role of the courts and the law will be  
 shaped by the extent to which they are seen to be  
 defending civil liberties. The democratic movement  
 hasn't made up its mind yet," says Mr Firoz Cachalia,  
 a United Democratic Front leader and law student.

As whites anticipate majority rule, they increasing-  
 ly see a powerful judiciary as the best guardian of  
 their rights. "I'm sure it crosses the minds of politi-  
 cians that maybe they should let the courts start safe-  
 guarding rights now, because they may need them  
 later," says advocate Mr Jules Browde.

The Government has asked the South African Law  
 Commission to draw up a Bill of Rights that would put  
 some teeth into judicial review. Anglo American has  
 taken out adverts expounding the virtues of a Bill of  
 Rights that would protect individuals — and their  
 property. And a recent poll showed 56 percent of  
 urban whites favour a Bill of Rights.

Yet for the Government the problems of a strong  
 Bench are manifest: a multitude of statutes and regu-  
 lations clearly would be declared unconstitutional by  
 a more powerful judiciary. "It doesn't make much  
 sense to talk about a Bill of Rights unless the Govern-

ment is planning to tear up the  
 Internal Security Act," says Mr  
 Justice Didcott.

The idea of a strong judiciary  
 also troubles Government foes.  
 At this late stage in South Afri-  
 ca's racial conflict, many blacks  
 see a Bill of Rights as just one  
 more liberal life-raft that whites  
 are grasping to protect their  
 own privileges.

But scepticism about a Bill of  
 Rights now doesn't mean that  
 Government opponents haven't  
 any regard for the law.

The top leaders of the out-  
 lawed ANC are lawyers, includ-  
 ing Nelson Mandela and Mr  
 Oliver Tambo, as well as SA  
 Communist Party chief Mr Joe  
 Slovo.

Indeed, Mandela stated at his  
 treason trial that he is an "ad-  
 mirer" of the American Bill of  
 Rights and that "the indepen-  
 dence and impartiality of Brit-  
 ain's judiciary never fail to  
 arouse my admiration.

"The American Congress, that  
 country's doctrine of separation  
 of powers, as well as the inde-  
 pendence of its judiciary,  
 arouses in me similar senti-  
 ments".

In the end the role of South  
 Africa's activist judges might  
 change little after apartheid.

Asserting individual rights  
 against apartheid repression  
 might not be that different from  
 asserting the rights of the indi-  
 vidual against what Alexis de  
 Tocqueville called "the tyranny  
 of the majority".

Mr Justice Didcott notes:  
 "Whether judicial activism is a  
 liberal or conservative stance  
 depends on who is wielding the  
 power of the state.

"Today's activist court which  
 is liberal, is tomorrow's activist  
 court which is conservative." □

UDF

1987-09-15

*15/9/87*

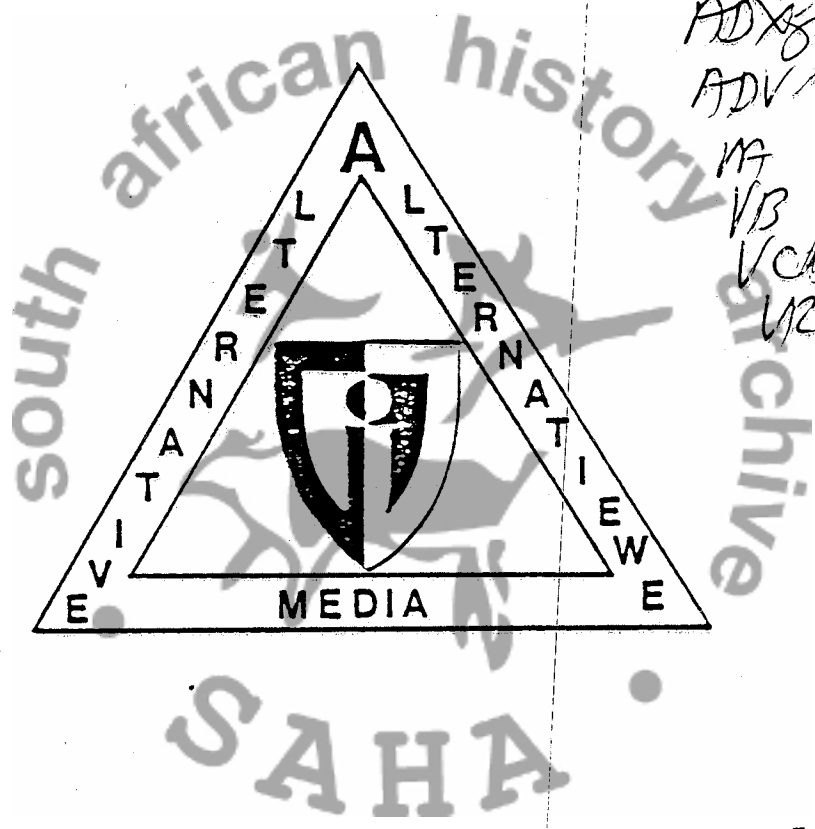
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**REVIEW**

121

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1987-09-09

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*19/9/87*

REVIEW: ALTERNATIVE MEDIA

9 SEPTEMBER 1987

1. PROMOTION OF ALTERNATIVE GOVERNMENT STRUCTURES
  - A. Vigilante activities
  
2. ENCOURAGEMENT OF PROTEST
  - A. Press curbs
    - (i) Threats against "alternative press"
    - (ii) Advertisement
  - B. Education
    - (i) Proposals rejected
    - (ii) Cartoon
  
3. ENCOURAGEMENT OF RESISTANCE
  - A. Labour
    - (i) Potwa victory
    - (ii) Advertisement
  - B. Prayers won't beat apartheid
  
4. PROMOTION OF A REVOLUTIONARY CLIMATE
  - A. UDF
    - (i) Anniversary
    - (ii) Advertisements
    - (iii) Cartoon
  - B. "Apartheid Barometer"
  - C. Poem

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1. PROMOTION OF ALTERNATIVE GOVERNMENT STRUCTURES

A. Vigilante activities  
(New Nation, 3 - 9/9/87)

"Progressive" organisations are complaining that the Lebowa police are not working hard to apprehend Thari ya Setjhaba vigilantes. Vigilante attacks were apparently directed mostly at members of the Motong Youth Congress.

(No 1) see New Nation, 3-9/9/87

2. ENCOURAGEMENT OF PROTEST

A. Press curbs

(i) Threats against "alternative press"  
(New Nation, 3-9/9/87)

According to South editor, Rashid Seria, the Government can kill off all the alternative newspapers, but will never be able to stop the flow of media.

(No 2) see New Nation, 3-9/9/87, p 7

(ii) Advertisement  
(Weekly Mail, 4-10/9/87)

Shell expresses its belief that a free press is the cornerstone of democracy.

(No 3) see Weekly Mail, 4-10/9/87, p 13

B. Education

(i) Proposals rejected  
(Weekly Mail, 4-10/9/87)

Universities are said to have rejected Government proposals to clamp down on campus political activities.

(No 4) see Weekly Mail, 4-10/9/87, p 1

(ii) Cartoon  
(South, 20-26/8/87)

Cartoon about police spies on campuses.

(No 5) see South, 20-26/8/87, p 7

3. ENCOURAGEMENT OF RESISTANCEA. Labour

- (i) Potwa victory  
(New Nation, 3-9/9/87)

The national strike by the Post and Telecommunication Workers Association ended with the strikers winning their pay increases.  
(No 6) see New Nation, 3-9/9/87, p 1

- (ii) Advertisement  
(New Nation, 3-9/9/87)

The National Union of Mineworkers urges its members to prepare for the future. The recent strike is said to have laid a strong foundation for future victories.  
(No 7) see New Nation, 3-9/9/87, p 20

B. Prayers won't beat apartheid  
(New Nation, 3-9/9/87)

Zimbabwe's president, the Rev Canaan Banana, said that prayers and resolutions by the church would not be enough to defeat South Africa's policy of apartheid.  
(No 8) see New Nation, 3-9/9/87, p 8

4. PROMOTION OF A REVOLUTIONARY CLIMATEA. UDF

- (i) Anniversary  
(South, 20-26/8/87)

A review of the "achievements" of the United Democratic Front.  
(No 9) see South, 20-26/8/87, p 12

- (ii) Advertisements  
(South, 20, 26/8/87)

Several organisations congratulated the United Democratic Front on their fourth anniversary: The Institute for a Democratic Alternative for South Africa, The Western Province Council of Churches, The Churches Urban Planning Commission, the Anglican Students Society, The Cape Teachers' Professional Association, The Ecumenical Action Movement, The Hostel Dwellers' Association, The South African Railway and Harbour Workers' Union, The Western Province Football Board, The End Conscription Campaign, Merge, The Peninsula Technikon, The National Education Crisis Committee, The Democratic Lawyers Organisation, the South African Council of Sport, The Release Mandela Committee, the Black Sash, The South African Rugby Union, The International Labour Research and Information Group, The National Union of South African Students and the New World Foundation.

(No 10) see South, 20-26/8/87, p 8

Cartoon  
(South, 20-26/8/87)

A Cartoon about the United Democratic Front's fourth anniversary.  
(No 11) see South, 20-26/8/87, p 12

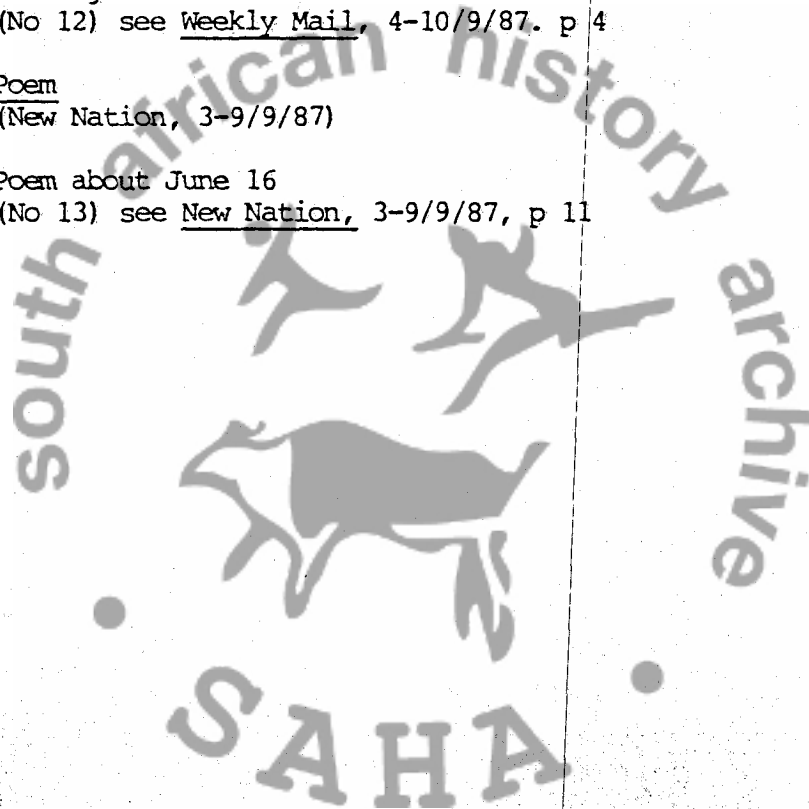
B. "Apartheid Barometer"  
(Weekly Mail, p 4-10/8/87)

Information and Statistics are published under the following headings: Detention Deaths, Assault Allegations, Political Trials, Hangings, Border Fence, Guerilla Attacks, Wages paid by British Companies, Prisoner of Conscience and Banned Books, Publications and Objects.

(No 12) see Weekly Mail, 4-10/9/87. p 4

C. Poem  
(New Nation, 3-9/9/87)

Poem about June 16  
(No 13) see New Nation, 3-9/9/87, p 11



## Vigilantes in terror wave

PROGRESSIVE organisations and the community in Northern Transvaal are complaining that the Lebowa police are not working hard to apprehend Thari ya Setjhaba vigilantes.

The vigilante group, which has been launching attacks against residents at Moletji Motong wa Perekisi and other rural areas, are alleged to have been formed by the homeland's ruling party.

The community

claims that all those known to be opposed to the Thari Ya Setjhaba have been targets of attacks by the group.

Resentment against the group has been mainly that it appeared to be a custodian of homeland structures and no one consulted the community about its formation.

Most of its members are drawn from the homeland's public sector and there have been allegations that those

recruited were not given a choice of refusing to join.

Activists have said that the vigilante group was beginning to establish bases around Lebowa.

At Moletji Motong wa Perikisi, youths living near Pietersburg said they were worried about the recent spate of attacks. They said these attacks were apparently directed mostly at members of the Motong Youth Congress, an

affiliate of the Northern Transvaal Youth Congress (Notyco).

It is reported that the vigilantes have compiled a list of those regarded as their next targets.

A youth, who wanted to remain anonymous, told The NEW NATION this week that he was tipped-off by a relative that he was among those on the list.

He has since informed lawyers about the matter.

He said: "This is a

direct challenge to the Motong Youth Congress and the entire progressive forces."

At a meeting held over the weekend, the youths took a decision to protect themselves from further attacks.

It is planned that lawyers will be instructed to restrain the vigilantes from attacking those not willing to join Thari ya Setjhaba.

No 1

New Nation

3-9/1987

p 2

## Is the pen still mightier than the sword?

FOR the past year the government has been making threats against what it has labelled the "alternative press".

Last week it passed wide-ranging legislation directed primarily at this press.

Newspapers such as "New Nation", "South" and "The Indicator" have been described as part of this "alternative press".

What is different about these newspapers? What do they have in common? And why were they formed?

"We are the mouthpiece of the majority in this country who have been excluded from the process of central decision-making," said "South" editor Rashid Seria.

"We are trying to be a voice for them. We are trying to reflect their aspirations and wishes."

Ameen Akhalwaya, editor of "Indicator", agrees:

"The emerging press is absolutely vital because of the nature of our media set-up.

"Because of their resources, the mainstream press comes out more often and gives a broader base of local and international news than the emerging press can.

"The emerging press cannot afford to keep a full-time correspondent in parliament, for example.

"In that sense, a big part of the agenda — right down the line — is being set up by the mainstream press."

But Akhalwaya believes the development of the emerging press is changing this:

"It is playing a role in setting up the agenda of the political debate through articles which would

otherwise not have seen the light of day.

"It is absolutely vital that certain types of thinking and analysis coming out from extra-parliamentary organisations should be aired.

"This is not being done consistently in the mainstream press."

SA Society of Journalists (SASJ) president Pat Sidley also feels the primary function of the alternative press is to correct this imbalance:

"Any view that adds to the debate in a society must be aired. In this country it is particularly important.

"So much thinking and activity is going unrecorded.

"The alternative press is reflecting the needs and concerns of people not represented in any other way."

Another fundamental difference between the established and the emerging press is their differences in accountability.

"Alternative newspapers feel less bound by some of the pressures of a commercial press," said Sidley.

"They don't, to a large extent, share the same concerns as newspapers in the Newspaper Press Union (NPU).

"They feel themselves more accountable to their readers in a tangibly different way."

Seria shares this view: "South" is structured differently to commercial newspapers.

"Commercial newspapers are structured vertically. Their editors are dictated to by their board of directors.

"These directors, in turn, are dictated to by the mining houses in the case of English newspapers.

"In the case of Afrikaans

newspapers, they are dictated to by the government through indirect shareholding."

Seria said newspapers like "South" were trying to develop more horizontal and democratic structures.

"We are trying to involve the community and staff in the general running of the newspaper," he said.

"We have a constituency, a target group. We are trying to get them to make an input in the newspaper.

"The shareholders are from the community. They set out broad policy guidelines for the newspaper.

"The editor and staff of the newspaper try to implement these guidelines on a day-to-day basis."

Because the established and emerging press were accountable to different groups, their values differed, he said:

"The commercial media will stoop to every level to make a sale. We won't.

"We will not be sexist, for example. We will not publish pin-ups and cattle brigades."

Former SASJ president John Allen agrees: "Newspapers have a readership profile. Accordingly, they adapt what they highlight.

"They tailor their editorial product in a certain way to suit a certain audience.

"The commercial press has over the years, in one form or another, represented the white establishment.

"They have responded to certain pressures because they are owned by particular interest groups."

Because of this, said Allen, the established press covers "only part

No 2

New Nation

3-9/1987

p 7



of the total political spectrum".

Media workers in the emerging press reject the allegation that they publish propaganda.

"We are not a propaganda newspaper," said Seria. "South is not a mouthpiece for any political organisation.

"We are not a United Democratic Front (UDF) newspaper. We speak for all those outside parliament."

Seria said an example of propaganda was the SA Broadcasting Corporation (SABC).

He said the government was using radio and television "blatantly for propaganda purposes":

"SABC doesn't give people an opportunity to respond. An example was its smear attack on (UDF patron) Allan Boesak.

"When the SABC wanted to render him ineffective as a political leader, it smeared him. It didn't give him a chance to respond.

"But we go to the police, we go to local authorities. We give them a chance to respond. That's ethical journalism.

"In fact, laws like the Police Act force us to go to them to verify our information."

Akhalwya was also scathing

about the SABC: "The government has been using television, the most powerful medium in the country, to win the hearts and minds of people.

"It is massive, one-sided propaganda. Yet the government is trying to clamp down on newspapers which are trying to present another viewpoint."

Seria said it was "frightening" that the government did not want to listen to the views of the disenfranchised.

Allen agrees that the government only wants to publish and propagate its own views:

"The government wants to make its own propaganda and deny everybody else's.

"Last week Botha ordered the evening news to be changed. That is staggering."

Allen also felt that the government was lumping propaganda and independent journalism together.

"Propaganda uses evidence in a selective way and deliberately ignores evidence unfavourable to its views.

"Independent journalism also

comes out of the context in which it is, but it tries to tell the whole story."

This, he believes, makes it different from propaganda:

"But, in independent journalism, the angle and sources are also dictated by your views. And either you stand for liberation, or not."

Allen believes it is this kind of journalism which the government was trying to wipe out:

"The government wants to crush independent reporting.

"It differs substantially from the views of those who stand for the status quo."

But Seria doesn't believe the government will succeed: "They can kill off all the alternative newspapers. But they will never stifle the spirit of the people, who are working towards a just cause.

"The government will never be able to stop the flow of media. People will make their views known."

Advertisement  
(Full page)

No 3  
Weekly Mail  
4-10/1157  
p 13

# IF THE PRESS CAN'T TELL US, WHO WILL?

Shell believes that a free press is a cornerstone of democracy.



Working to make a difference now

## Varsity heads to De Klerk: Hands off!

By GAYE DAVIS,  
Cape Town

THE "open" universities — supported by Stellenbosch University — have rejected far-reaching government proposals to clamp down on campus political activities by changing the rules governing the allocation of state subsidies.

*Weekly Mail* has ascertained that the University of Cape Town has rejected the government proposals and the other open universities — of the Witwatersrand, Rhodes, Natal and the Western Cape — have adopted a similar, if not identical, stance.

The universities were given until the end of August to respond to the proposals, but they have kept an official silence on the contents of their responses.

UCT is understood to have proposed that the Committee of University Principals (CUP), an officially recognised statutory body representing the 16 autonomous universities, be asked to investigate the matter, enabling administrators to put their own houses in order, where necessary.

It is further understood to have urged the government to address itself to the root causes of the conflict in South African society.

Wits University is understood to have asked the Minister of National Education, FW De Klerk, to withdraw his proposals in a carefully worded document that does not go quite as far as UCT's rejection. It has not included the proposal involving the CUP.

Support for the position of the "open" universities is said to have come from Stellenbosch University, the oldest and least conservative of the five Afrikaans-medium campuses.

Informed sources this week told the *Weekly Mail* rejection of the propo-

sals by UCT and the University of the Western Cape was "total" among academics and students as well as governing bodies such as senates and councils, and that there was "significant opposition" among Stellenbosch academics.

While the government claims it wants to ensure "good order" and "undisturbed tuition and study" on campuses, the proposals — to which universities had to respond by Monday this week — are seen to be aimed at crushing campus dissent and attacking universities' autonomy and academic freedom: their right to decide for themselves who may teach, what may be taught, how it should be taught and to whom.

Most at risk are universities such as UWC. Its rector, Professor Jakes Gerwel has said he wants it to become an intellectual home of the Left, serving its community in a direct and meaningful way. Liberal universities such as UCT and Wits are also endangered. They are actively trying to make their mainly-white campuses more of a reflection of South African society as a whole, more attune to the broader community's needs and concerns.

A major thrust of the universities' argument is understood to be that the proposals will effectively replace the existing mechanism governing the allocation of subsidies, in terms of which universities failing to adequately perform their research and teaching functions already face having their subsidies cut.

The major difference between the proposals and the present system — introduced in 1986 after four years' discussion between the government and universities — is that currently criteria are applied objectively, whereas the new proposals hinge on the subjective opinion of the minister.

If he decides a university has failed to "take all reasonable steps" he can slash its subsidies.

Known as the SAPSE formula, the existing system governs subsidy allocations according to student numbers and success rate. A university which loses students or whose success rate drops as a result of boycotts, for example, will automatically be financially penalised. However, because the test is an objective one, any subsidy cut cannot be seen as punitive action by the state.

The new proposals, however, open the way for subsidies to be cut as a result of political decisions on the part of the government and would almost certainly be seen as punitive action, creating a new area of conflict.

In addition, the universities are understood to have pointed out that:

- Being part of a wider society, they are not immune to the conflicts which beset it. A more appropriate response by government would be to address the causes of those conflicts.

- The new rules would be more likely to increase the problems they are ostensibly intended to prevent, and would create an atmosphere of distrust between academics and students.

Scores of UWC academics endorsed a statement in which they rejected "with contempt" what they described as "this latest attempt by the state to legalise and extend its autocracy and repression".

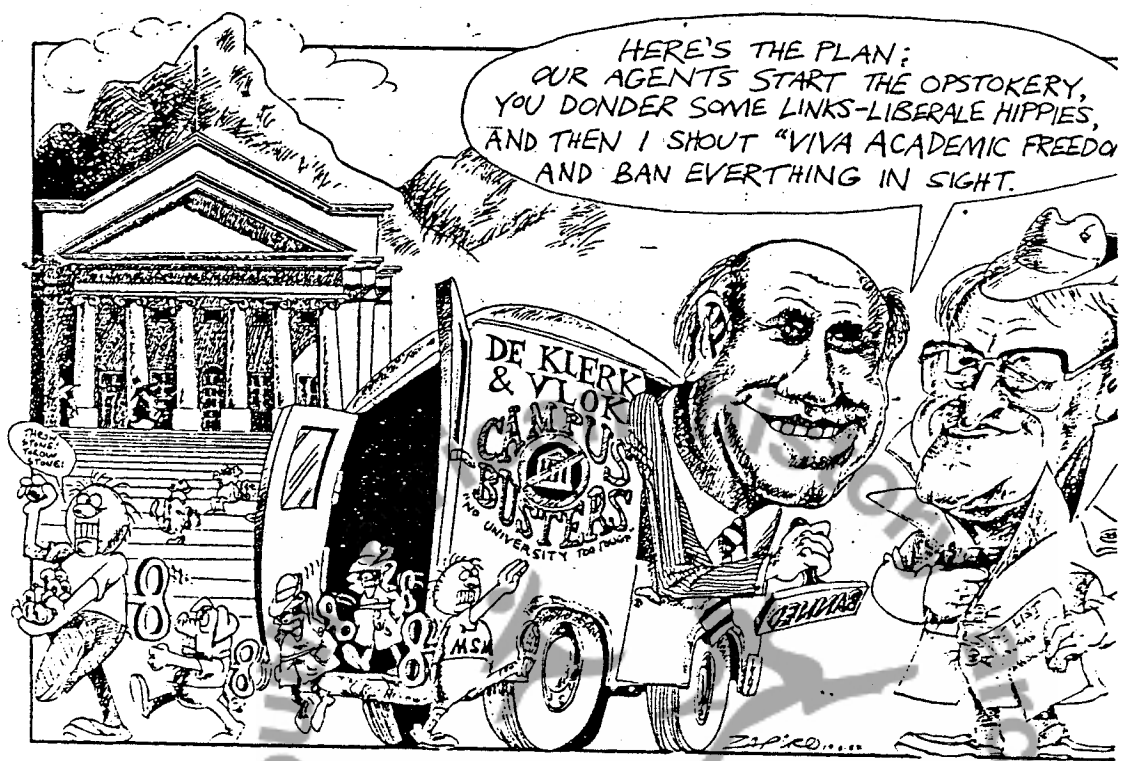
If implemented, the new rules would result in universities becoming "an extension of the state's intelligence and military apparatus, thus serving the total onslaught of the regime" and would create conflict between UWC and the community from which it drew its students.

No 4

Weekly Mail

4-10/91/87

PI



No 5  
 South  
 20-24/87  
 p7

### Victory for Potwa

No 6  
 New Nation  
 3-7/1987  
 p1

THE national strike by the Post & Telecommunication Workers Association (Potwa) has ended nearly a month after it started — with the 16 000 strikers winning their pay increases.

And the union and Post Office management have agreed to launch an investigation into the state of labour relations in the department which has earned itself the reputation of being the most strike-prone in the public sector. At least three major strikes have hit the PO in recent months.

The settlement follows less than a week after the 340 000-strong mineworkers' strike was resolved.

Postal, Telegraph and Telephone International (PTTI) deputy general secretary Tony Clark is said to have played an important role in reaching the settlement.

#### MONDAY

The PTTI threatened

international disruption of South Africa's communication links if a settlement was not reached.

Striking postal workers agreed to return to work by Monday after being promised increases in wages ranging from between R900 and just under R400 a year. The increases are aimed at achieving parity in the PO.

Workers also demanded that they be allowed to supervise junior white staff — but no undertaking was given in this regard.

At the end of it, the two strikes together cost the country close to 5,5-million mandays.

It also emerged during the postal strike negotiations that the railway workers' wage victory earlier this year is being viewed in inner National Party circles as "one of its biggest disasters".

This became apparent when Potwa demanded that all its dismissed members be reinstated, citing the SA Transport Services agreement with dismissed strikers as a precedent. Sources close to the negotiators claim the PO representatives refused to

accept the analogy and commented that a settlement similar to that on the railways is unlikely to be repeated.

According to Potwa, Communications Minister Stoffel Botha also rejected union demands for the full re-instatement of dismissed strikers, on the grounds that it should not demand more than the mineworkers accepted in their settlement because "they (Potwa) could not match the strength" of the National Union of Mineworkers (NUM).

#### DISCIPLINE

Commenting on the allegation, the Congress of SA Trade Unions (Cosatu) warned employers and the state that it would be making a mistake if it thought it could use the NUM settlement to force workers back without gains.

"Although the Chamber of Mines has not met all the demands, they will have to at some point. Employers should not misjudge the workers' determination to achieve their demands," the

federation said.

The PO's view of the NUM strike is seen as a confirmation of speculation that the mine strike was approached with a view to teaching the NUM and workers in general a lesson.

Commenting on the strike, Potwa president Vusi Khumalo said: "For a young union, our members displayed a remarkable sense of discipline combined with a determination to win their demands."

"They stayed united despite threats of dismissal and police harassment."

The PTTI also condemned police action against striking Potwa workers, saying it "protested vigorously" against an incident this week in which several strikers were injured.

It said in a telex to President PW Botha that it demanded "strict orders that such attacks should not be perpetrated again".

Advertisement

(1/2 page)

No 7  
New Nation  
3-9/1987  
p20



## Victory is certain!

The National Union of Mineworkers salutes all the mineworkers who joined the struggle to make it one of the biggest strikes this century.

Mineworkers clearly showed that they are united and disciplined. They showed that they will continue the struggle for a living wage.

We made it clear through our struggle that no amount of violence, harassment and detentions will stop mineworkers' struggle for a living wage and improvements in the mining industry.

In spite of the dismissals of more than 45 000 mineworkers, our union remains united.

We will fight every dismissal.

The worldwide solidarity we received showed clearly that the progressive movements supporting change and freedom in South Africa are on the side of the mineworkers.

Hundreds of messages from fraternal organisations, trade unions and individuals were received during the 21-day strike action.

Nearer home COSATU, our federation, and all the progressive organisations rallied to the support of the mineworkers. This solidarity will always be treasured and has built a firm foundation for unity of action.

As we continue the struggle to get dismissed miners back to work, such assistance must continue.

Let our struggle continue. Let us consolidate our union at all levels, to prepare for the future. This strike has laid a strong foundation for further victories.

Forward to victory! Victory is certain!

Long live the National Union of Mineworkers!

## Prayers won't beat apartheid, Banana tells churchmen

No 8  
New Nation  
3-9/1987  
p 8

PRAYERS and resolutions by the church would not be enough to defeat South Africa's policy of apartheid, Zimbabwe's president, Rev Canaan Banana, told churchmen last week in Harare.

"Prayers and resolutions can never become a shield to ward off the blows of apartheid," Banana said at a conference of the Methodist Church on the subject of self-reliance.

"What the people of Namibia and South Africa need most is the church's concrete backing. We are the

church in both countries. Their persecution is our persecution; their agony is our agony; their fight is our fight; and their victory is ours too."

He said the bond between all African people should impel Christians to mobilise material resources to help advance the push for "freedom, democracy and social justice" in South Africa.

Banana said Christians could not watch with callous indifference as the implementation of the apartheid policy took its toll.

In South Africa and

Namibia, the virtues of freedom, democracy and social justice continued to recede before the widening circle of violence, he said.

And in another development, a Union of African Parliamentarians (UAP) fact-finding mission, which aims to examine South Africa's alleged destabilisation of neighbouring states, arrived in Harare this week.

Meeting the delegation, the deputy speaker of the Zimbabwe House of Assembly, Abraham

Kibasa, said destabilisation would only end when apartheid ended.

Kabasa said Zimbabwe viewed the delegation's visit as "a very significant expression of concern on the issue of destabilisation

in the region".

He gave details of various attacks on military installations in Zimbabwe, including a recent sabotage attack which killed a woman civilian in a flat in Harare.

## 'We want all rights here and now'

No 9  
South

"WE WANT all of our rights, we want them here and we want them now." With these ringing phrases Dr Allan Boesak brought the launching rally of the United Democratic Front to a close. As 15 000 jubilant supporters streamed out of Rocklands Civic Centre, Mitchells Plain, they sensed instinctively that they had made history. Four years later, Boesak's aims have still not been achieved. If anything, the majority of South Africans are more rightless than before because of the State of Emergency. Yet the UDF has more than made its mark.

Year One: "Down with Apartheid Elections"  
SET up to fight the Government's

reforms, particularly the new constitution, the UDF spent most of its first year doing just that. The slogan 'UDF unites. Apartheid

divides' captured its opposition to the tricameral parliament.

By drawing coloured and Indian people into the system as junior partners, the Government hoped to divide these communities from the African majority.

The UOP's first broadside against the constitution came through the Million Signature Campaign.

Armed with signature forms, hundreds of UDF activists hit the streets. In major blitzes 8 000 signatures were collected in Elsie's River, 10 000 in Crossroads.

In the end the target of one million proved too much for the young movement. By then, however, the major aims of the campaign had been met. Communities had been made aware of the UDF and what it stood for and activists had learnt to listen to the masses, to understand their problems and feel their moods.

And so it was on to the August elections, and one of the biggest campaigns in South African history. When voting for the House of Representatives closed on August 22, 1984, less than five percent of

potential voters in Cape Town had cast ballots. Robbed of its legitimacy, the government reform programme lay in tatters.

Year Two: "From protest to Challenge"

On September 3, 1984 townships on the Vaal Triangle erupted. A peaceful protest by 2 000 Lekoa township residents against rent hikes had degenerated into a running battle with police. A wave of protest followed. The police used live ammunition and by the end of the

20-26/8/87  
p12  
→



first week official figures listed 31 dead. From the Vaal the protests spread — to the East and West Rand and down to the Eastern Cape. By the end of 1985 the conflict had scorched its way to the Western Cape.

But there were problems. Most UDF affiliates were not well-organised.

On April 8, 1985, the UDF held its second national general council. "The key solution," read the secretarial report, "is the trans-formation of mass support to active participation in the day to day activities of our organisations".

And the new theme adopted by the delegates declared: "From protest to challenge; From mobilisation to organisation."

The challenge came. Over the next few months organisations which previously might have consisted of a few dozen activists suddenly developed a mass membership.

It was now possible to focus anger — through tactics like consumer boycotts, stayaways and rent boycotts.

But this period of 'ungovernability' also threw up disquietening developments. Among sections of the youth, frustration was widespread and discipline often poor. It was in this context that the Azapo-UDF conflict and necklacing killings occurred.

These developments, with incidents like the killing of Moegsien Abrahams at a Mitchells Plain meeting in May

1986, adversely affected the UDF. Even though the UDF distanced itself from these incidents, the Government relentlessly exploited the theme of "black on black" violence to justify repression and drive whites into the laager.

**Year three: "Forward to People's Power"**

On July 20, 1985, 60 000 people gathered at Lingshile township to bury the "Craddock Four" — Matthew Goniwe, Sparrow Mkhonto, Fort Calata and Sicolo Mhlawuli.

On the same day the Government declared a State of Emergency in 36 magisterial districts, mostly in the Eastern Cape and Transvaal. In the unrest of 1985 and 1986, it was something of a turning point.

Craddock, with a long political tradition, enjoyed a reputation as one of the best organised communities in the country and under the leadership of the UDF-affiliated Craddock Residents' Association (Cradora), and its chairperson, Matthew Goniwe, virtually all 1700 residents of Lingshile had been organised into street and zonal committees.

Faced with this kind of opposition, the entire community council had resigned. Cradora moved in to fill the gap, in small ways it began to run the township.

The system of people's power spread, first to other towns in the Eastern Cape and later to the Pre-

toria townships and to Alexandra near Johannesburg.

In August 1985, the UDF adopted the slogan: "Forward to People's Power". For the next year attempts to develop structures of people's power throughout the country dominated the work of many affiliates.

But the gains made could not be sustained. Recognising the threat posed by these structures, the State declared a new State of Emergency in June 1986.

Nevertheless, the street committees gave a glimpse of what a post-apartheid South Africa might one day look like.

**Year Four: "The UDF lives"**

Over the past three years the UDF has been under almost constant attack from the State. Its meetings have been banned, leaders and activists detained and offices shut down. Late last year overseas funds were cut off when it was declared an affiliated organisation.

Initially, the Government tried to justify the detention of UDF leaders by charging them in court.

Under the State of Emergency, however, the Government has dropped its legal scruples. Election to the UDF executive nowadays means almost certain detention.

Of the 15 members who served on the past Western Cape executive, only two escaped this fate. None of those detained has yet been charged.

And since June last year periods of

detention have lengthened. Transvaal executive members Raymond Suttner and Titus Malolo have now been in prison for more than 14 months.

The State has also not been content to arrest only leaders.

One of the features of the current emergency has been the detention of thousands of grassroots activists.

If anything, this has harmed the UDF even more than the detention of its leaders. It has nullified what the movement hoped would be its major strength in the face of repression — its growing support at a grassroots level. In most towns street committees have been eradicated and civic bodies have collapsed.

Despite all this, the UDF appears to have survived the worst of the State's onslaught. Notwithstanding the detention of acting national secretaries, Murphy Morobe and Mohamed Valli, there are signs that repression at grassroots level is, at least temporarily, abating.

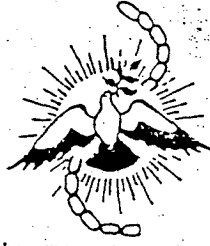
At a recent national conference the UDF adopted the theme "Defend, Consolidate, Advance". That it can once again consider the prospect of going forward is testimony to the UDF's remarkable tenacity.

Advertisement

(full page)

THE FOUNDATION FOR PEACE AND JUSTICE

Born in conflict and undefeated in persecution, the UDF lives to serve the non-racial struggle. Victory is certain!



archive

No 10  
South  
20-26/8/87  
p 8

Cartoon

No 11  
South  
20-26/8/87  
p 12



### Apartheid Barometer

No 12  
Weekly Mail  
4-10/9/87  
p 4

#### DETENTION DEATHS

A total of 65 deaths in detention have taken place since detention without trial was introduced in 1963, according to the Detainees' Parents Support Committee. A further 26 political activists had died while being held in police custody since 1984, said the DPSC. Four of the deaths have involved people held under the Emergency regulations since June 12 last year.

#### ASSAULT ALLEGATIONS

Since the introduction of the "partial" State of Emergency in July 1985 there have been about 40 cases involving allegations of assault of people held under the Emergency regulations, according to the DPSC. These cases involved over 120 people. This does not include the mass action brought by Dr Wendy Orr and 42 others claiming the assault and torture of hundreds of Emergency detainees in Port Elizabeth and Uitenhage.

#### POLITICAL TRIALS

Forty-five political trials involving 205 accused were completed during June and July this year, said the DPSC. Fifty of the accused were convicted, 34 acquitted and charges were withdrawn against 117.

At the end of July there were 67 uncompleted political trials involving 404 accused, said the DPSC. These included five treason trials involving 40 accused.

#### HANGINGS

A total of 107 people were hanged in South Africa (excluding the "independent homelands") between January 1 and September 1 this year. Of those hanged, 101 were black and six white. Last year 121 people were hanged and in 1985 the figure was 137.

#### BORDER FENCE

Thirty-five people have died on the electric fences along the northern and north-eastern borders of South Africa and Mozambique, the Minister of Defence, General Magnus Malan, said in parliament.

From August 12 1985 to August 4 this year four people died on the fence along the northern border and 31 people died on the fence along the eastern border between June 1 1986 and August 3 this year.

#### GUERRILLA ATTACKS

There were 199 "acts of terrorism" in South Africa last year compared with 86 in 1985, according to the annual report of General Johan Coetzee, Commissioner of the South African Police. He said 50 ANC and six PAC guerrillas were arrested during 1985-6, while 32 alleged ANC guerrillas were killed during this period. Last year had also seen 18 landmine attacks in which 12 people

were killed and 24 injured, nine of these having occurred in the far Northern Transvaal, seven in Eastern Transvaal and two in Northern Transvaal. A further two were found and defused in Vryheid, Natal.

#### WAGES PAID BY BRITISH COMPANIES

The average reported minimum wage paid by British companies operating in South Africa for February 1986 was R394 a month, compared with the national average Supplemented Living Level (the level regarded as necessary) as produced by the University of South Africa, of R482 a month, according to a report compiled by the Ethical Investment Research Service. The minimum monthly living requirement as set out by the Congress of South African Trade Unions is R850 a month, while the old Unisa standard was R559 a month.

The report found that more than half the blacks employed by subsidiaries or associates of British companies operating in South Africa, were not covered by full reports under the European Community code of conduct for companies with interests in South Africa. British companies are required to report each year to the Department of Trade and Industry on progress made in implementing the code.

In an assessment of more than 200 000 employees, only 10 000 (five percent) had incomes above R559 a month, while 164 000 (82 percent) had incomes below the national SLL figure. The lowest minimum monthly wage paid by an individual company was R76.

#### PRISONER OF CONSCIENCE

JUSTICE LANGA, 35, South African Railways and Harbours Workers' Union president, was detained under section 29 of the Internal Security Act on May 25 this year and is still being held.

Langa, who grew up in Edenvale township near Germiston and later in Potgietersrus, started working in a metal factory after completing his junior certificate. He first became politically involved during the 1976 uprising when he took part in the stayaway and was fired. In 1977 he was employed by the South African Transport Services as an aircraft cleaner. He began organising the workers at Jan Smuts Airport but soon rejected the in-house staff association. In 1985 Langa joined Sarhwa, when it was re-formed, and was later elected union president.

He was one of 35 Sarhwa leaders detained at the end of the Sats strike earlier this year. Langa is married and has two children. His family live in Tembisa.

**BANNED BOOKS, PUBLICATIONS AND OBJECTS**

Banned for distribution and importation:

Gatsha Buthelezi — Ngumthakathi endlini (ANC); New Era Vol 2 No 2 June 1987 (Grassroots Publications, Cape Town); Descom Bulletin No 14 (Descom Durban); CCAWUSA Bulletin No 1, Jan-June 1987 (CCAWUSA Johannesburg); CCAWUSA News Vol 1 No 11, July 1987 (CCAWUSA, Johannesburg); Work in Progress No 44, September/October 1986 (South African Research Service, Braamfontein); South: July 30 to August 5 1987 and South August 16 to August 22 1987 (South Press Services Pty Ltd, Cape Town); The Non-Violent Activist Vol 4 No 5, July/August 1987 (War Resisters League, New York); The Mass Strike (Rosa Luxemburg); No Nuclear War — cassette (Peter Tosh); Azania, Press Cuttings on South Africa Vol VI No 47 June 1987 (Azania Committee, Rotterdam, Netherlands); Socialist Organiser No 282, September 4 1986, No 283 September 11 1986 and No 284 September 16 1986 (Socialist Organiser, London); Labor Militant: issue No 1, April/May/June 1986, and issue No 2, July/August 1986 (Labor Militant Publications, Oakland); Revolutionary Worker Vol 9 No 3, May 11 1987, No 405 and all future editions (RCP Publications, Chicago); Die Stem: Ons Vlag; Die Vierkleur, August 1987 (Boeresstaat Uitgewers BPK, Rand-

burg); Tiger Claw and Velvet Paw (Headline Book Publishing PLC, London); Sex to Sixty No 65 (SIR Publishing Co Inc, Fort Worth, Texas); Pretty Smart — film; Six greeting cards — Are You Looking For Love, Understanding and Tenderness, 100FN 2208; Happy Birthday You, MF 100BN2013; I Like You, I Respect You, I Admire You, 100FN 2205; Get Well Quick, 100CN2302; Happy Birthday, Would You Like To Go Out For Dinner And Maybe Catch A Movie?, 100BN2002, and What You Get When You Cross A Cock And A Birthday Cake ..., 100BN2006 (all produced by Plain Brown Paper Wrapper Greeting Card Company, USA); two stickers — Multi-Coloured Cigarette Lighters, of which each is labelled with a photograph of a nude or semi-nude woman, and a cigarette lighter with a picture of a nude woman, as well as a penis-shaped chocolate object (not stated). A committee has prohibited the importation — except on authority of a permit — of publications or objects published by Socialist Newsletter, London and Larkham Printers and Publishers, London. The Publications Appeal Board has confirmed the banning of the first issue of Satyr, a new "girlie" magazine.

Banned for possession:

Workers' Vanguard No 3901, May 31 1985 (Spartacist Publishing Co, New York).

If you want to know me

If you want to see

The expression of my love for Mama-Afrika,

Look around! It is reflected in springtime,  
It is embedded in flowers of fruit trees,  
And speaks the language of spirits  
In the multi-floral dress of flowering  
groves

If you want to know

The workings of my soul,  
Seek them in the greenery of summer  
In the song of the thrush  
And the clarion call of the cuckoo.

If you want to know me,  
Study the chapters of the Book of Life:  
In autumn, I am the wailing wind

I am mo-Afrika!

I am the tempest

And thunder that spend

Their fury on anything that stands in their  
way

I am the whirlwind that tears up trees,  
And deforms the face of nature,

I am the earthquake

That overturns cities in its convulsion.

I am the lament of the nation!

If you want me to hate you

Deny me the mourning of the dead in  
winter,

Deny me the commemoration of my  
people,

Seek to reform me by corrupting me!

You shall be whetting a sword

To wound your own breast,

For I am who I am,

I am the deathless one,

I am June the sixteenth.

MOLAHLEHI MUTLE

Dube.

No 13

New Nation

3-9/1987

p 11

Kwini. 3235950 -

Republiek van Suid-Afrika

Republic of South Africa

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UITERS GEHEIM

Lêer No. 2/4/2/121 (DDVz)  
File

## DIREKTORAAT VAN VEILIGHEIDSWETGEWING DIRECTORATE OF SECURITY LEGISLATION

DIE DIREKTEUR  
THE DIRECTOR - GENERAAL / MINISTERAANSTELLING VAN 'N ADVIESKOMITEE:  
UNITED DEMOCRATIC FRONT (UDF)

1. Die Staatsveiligheidsraad het op 13 April 1987 besluit dat daar aandag aan die onwettigverklaring van die UDF geskenk moet word.
2. Die Minister verlang kommentaar.
- 3.1 Daar is reeds in die verlede oorweging geskenk aan die aanstelling van 'n advieskomitee ten opsigte van die UDF. Na aanleiding van 'n versoek wat deur die Minister van Wet en Orde aan die Minister gedurende Augustus 1985 gerig is om 'n advieskomitee met betrekking tot die UDF, NIC en TIC aan te stel, is menere [REDACTED] en [REDACTED] aangestel om die Minister onder andere te adviseer oor die wenslikheid, al dan nie, van die aanstelling van 'n advieskomitee.

(Memo A; Memo B)

- 3.2 Die [REDACTED]-komitee het tot die gevolgtrekking gekom dat daar voldoende inligting is om 'n advieskomitee ten opsigte van die UDF, NIC en TIC aan te stel. Die komitee het egter om, onder andere, die volgende redes aanbeveel dat daar nie 'n advieskomitee aangestel word nie:

"(i) Ondervinding het geleer dat sodra 'n organisasie onwettig verklaar word sonder optrede teen

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UITERS GEHEIM

ampsdraers/lede die bedrywighede van die organisasie voortgesit word in 'n veranderde vorm met gewysigde doelstellings....

- (ii) Dit te laat is om nou optrede te oorweeg omdat veral die UDF binnelands en buitelandse erkenning geniet....
- (iii) Die heersende politieke klimaat regverdig nie tans dat daar opgetree word teen organisasies wat moontlik aan onderhandelings mag deelneem nie....
- (iv) Optrede teen die organisasies kan nie gelyktydig met die Hoogverraad verhore oorweeg word nie. In die Transvaal verhoor (Delmas verhoor) staan die UDF as sulks op verhoor en gevolglik sal die bevinding van 'n advieskomitee nie voor die einde van die verhoor bekend gemaak kan word nie omrede die gevaar bestaan dat die bevindings van die komitee en dié van die hof mag verskil. Twee verskillende uitsprake oor die bedrywighede van die UDF sal noodwendig verleentheid skep. Die komitee mag besluit om getuies te roep wat ook in die verhore getuig het of moet getuig. Dit behels 'n risiko, indien die komitee besluit het om die hou van die verrigtinge nie bekend te maak nie, dat die werksaamhede van die komitee bekend sal word. Indien die komitee besluit om kennis aan die organisasie van die ondersoek te gee, sal die verdediging kan argumenteer dat hulle op twee

fronte deur die Staat aangeval word en sodoende die beskuldigdes se verdediging beïnvloed. Munt sal veral in die buiteland uit so 'n argument geslaan kan word."

(X)

4.1 Sedert die ████████-komitee sy verslag uitgebring het, het die UDF sy bedrywighede voortgesit. Hoewel die UDF verswyg of daar direkte skakeling met die ANC bestaan en volgens sy openbare verklarings van die ANC verskil ten opsigte van "geweld" as 'n metode om verandering te bewerkstellig, het Murphy Morobe gedurende Desember 1986 aan die Sowetan in verband met geweld verklaar:

"We still consider our historical role as one of fighting non-violently and also legally. As long as we are able to pursue this course, we shall do so. But for how long the UDF can remain a non-violent organisation depends upon the Government. We cannot guarantee to be a peaceful organisation forever and unconditionally - it would depend on conditions, on the dictates of circumstances."

Die volgende punte dui onder andere ook op verbintenisse tussen die UDF en die ANC:

- (a) Wedersydse begrip en goedkeuring vir die ander se standpunte en optrede.
- (b) Die verbintenis van sommige van die belangrikste UDF-leierfigure met die ANC.
- (c) Die gemeenskaplike propagering van die Freedom Charter as alternatief vir die huidige bedeling in die RSA.

(d) Die benoeming van ANC/SAKP-persoonlikhede as UDF-beskermhede en veral ampsdraers.

4.2 Daar is onses insiens vanuit 'n regsogpunt voldoende gronde om die UDF aan 'n ondersoek van 'n advieskomitee te onderwerp. Die Suid-Afrikaanse Polisie huldig dan ook die mening dat die UDF so spoedig moontlik onwettig verklaar moet word, aangesien die UDF volgens dié Departement sterker en sterker word, terwyl die RSA-regering se optrede in elk geval so veroordeel word dat niks wat hy doen of nie doen nie veel voordele inhou nie. Die polisie wys ook daarop dat die UDF wesenlik besig is om die massa op groot skaal te mobiliseer wat 'n vereiste vir suksesvolle rewolusionêre oorlog is.

5.1 Daar is egter verskeie ander aspekte, soos onder andere ook deur die ████████-komitee uitgewys en wat steeds geldig is, wat dit onwenslik maak om in hierdie stadium teen die UDF op te tree. Van die aspekte word behandel in 'n dokument "Strategiese Advies: Verdere stappe teen die UDF en sy Filiale" wat deur die Sekretariaat van die Staatsveiligheidsraad voorberei is en aan die Werkkomitee van die Staatsveiligheidsraad voorgelê word.

5.2 In dié dokument word tot die gevolgtrekking gekom dat indien alle faktore, voor- en nadele, asook die huidige operasionele situasie en die komende verkiesing in ag geneem word, dit nie in hierdie stadium gewens is om die UDF self tot onwettige organisasie te verklaar nie. Daar moet eers bepaal word wat die finale beslissing in die

Delmas-hofsaak en moontlik daaropvolgende appèlsaak gaan wees. Hierdie saak sal 'n beslissende uitwerking op die regering se opsies hê in dié opsig dat indien die hof die UDF-doelstellings as soortgelyk aan dié van die ANC bevind, onwettigverklaring van die UDF feitlik as vanselfsprekend aanvaar sal word. Indien die hof dit egter nie doen nie, sal onwettigverklaring juridies baie moeilik wees.

Tweedens sal daar nie net teen die UDF nie, maar ook teen van sy filiale wat volgens die UDF reeds 750 is, opgetree moet word, om enige noemenswaardige sukses te behaal. Die nodige bewyse ten opsigte van die betrokke organisasies sal nog bekom moet word.

5.3 Die volgende aanbevelings is in die dokument vervat:

- (a) Die SAP moet volle gebruik maak van die noodregulasies om verder teen individue en/of van die filiaalorganisasies, (deur beide aanhouding en/of beperkings) op te tree.
- (b) 'n Oorwoë strategiese kommunikasiepoging om UDF-optredes en popularisering te ontmoedig en om die gevare en gevolge van hulle optredes by die bevolking tuis te bring, moet van stapel gestuur word deur die Naskom. Alle direkte en indirekte metodes van beïnvloeding, moet oorweeg word.
- (c) 'n Oorwoë strategiese kommunikasie-aksie om die onkunde ten opsigte van die UDF en ANC se erkende strategie,



filosofie en bedoelings uit te wys, moet deur die strategiese kommunikasiegemeenskap geloods word.

- (d) Na afloop van die UDF-hofsaak en appèl (indien enige) moet daar met stappe begin word om die UDF onwettig te laat verklaar, of die geregtelike proses bewys het dat hy bande met die ANC het, of nie.
- (e) Afgesien van die hof se beslissing, moet die strategiese kommunikasiegemeenskap nou reeds met die strategiese kommunikasieprogram, en die SA Polisie met optredes onder die noodregulasies voortgaan om die UDF en sy filiale as die prioriteitsteiken aan te val.

6.1 Bykomend tot die aspekte wat deur die ████████-komitee en in die dokument waarna in die vorige paragraaf verwys word, geopper word, moet daar in gedagte gehou word dat dit 'n uiters omvattende en tydrowende taak sal wees indien elke filiaal se bedrywighede deur 'n advieskomitee ondersoek moet word, veral as die advieskomitee getuienis van elke organisasie sal moet aanhoor. Daarbenewens sal daar beswaarlik teen sommige van die UDF se filiale, byvoorbeeld die Suid-Afrikaanse Raad van Kerke (SARK) en vakbonde opgetree kan word. Weens die delikate aard van die aangeleentheid is daar juis onlangs besluit dat die SARK nie as geaffekteerde organisasie verklaar moes word nie, ten spyte van 'n feitekomitee se bevinding dat dié organisasie wel binne die bepalinge van die Wet op Geaffekteerde Organisasies, 1974 (Wet 31 van 1974) val. Wat vakbonde betref, bestaan die algemene siening dat dit

nie wenslik is om teen hulle op te tree nie, aangesien sodanige stappe onder andere die ekonomie ernstig lam kan lê, weens stakings, boikotte, ens. wat daaruit kan voortspruit. Die vraag is of die kool die sous werd sal wees indien daar slegs teen die UDF en sekere filiale opgetree word en nie ook teen "groot kannonne" soos SARK en sekere vakbonde nie.

6.2 Daar moet ook in gedagte gehou word dat prominente figure wat in die buiteland in sekere kringe groot aanhang geniet, byvoorbeeld dr Boesak, ampsdraers of aktiewe ondersteuners van die UDF is. Indien die organisasies onwettig verklaar word, sal dit onses insiens wenslik wees dat die Minister die beredderaar ingevolge artikel 14(10) van die Wet gelas om h lys van ampsdraers, ens. op te stel. Hierdie persone se name sal deur die Direkteur ingevolge artikel 16 van die Wet in die gekonsolideerde lys opgeneem moet word. Afgesien van die kritiek teen die onwettigverklaring van die UDF en sy filiale, sal die opname van name soos dié van dr Boesak in die gekonsolideerde lys, nie in h geringe mate bydra tot die intensiteit van die kritiek nie.

7. Die belangrikste faktor wat onses insiens egter optrede teen die UDF in hierdie stadium onwenslik maak, is die Delmas-verhoor wat tans hangende is. Alhoewel die verhoor nog h geruime tyd kan sloer, beveel ons aan dat die aanstelling van h advieskomitee ten minste teruggehou word tot na afhandeling van die verhoor.

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8

8. Indien daar egter besluit sou word dat 'n advieskomitee wel aangestel moet word, is ons van mening dat in die lig van die belangrikheid van die UDF en die aansien wat dit geniet, dit gerade is dat die voorsitter daarvan 'n regter of afgetrede regter moet wees. Die volgende persone kan as lede oorweeg word:

Adv M E Tucker, voormalige Prokureur-generaal,  
Kaapstad;

Mnr J A Venter, streeklanddros, Pretoria

(Die bogenoemde persone het as lede van die advieskomitee oor COSAS opgetree)

Mnr H E Thompson, voormalige Hooflanddros van  
Pretoria;

Adv C N van der Walt, voormalige Prokureur-generaal,  
Grahamstad.

Die persone sal uit die aard van die saak nog genader moet word en daar kan nie in hierdie stadium bevestig word of hulle wel so 'n aanstelling sal aanvaar nie.

DIREKTEUR-GENERAAL: JUSITISIE

*24/4/87* *24/4/87* *24/4/87*

Advieskomitee nie in dié stadium aangestel te word nie/

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H J COETSEE  
MINISTER VAN JUSTISIE

*Plus up byende UDF*  
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GEHEIM

1

LYS VAN ORGANISASIES GEAFFILIEERD BY DIE UDF

1. NOORD-TRANSVAAL

Atteridgeville Action Committee (AAC)  
Atteridgeville/Saulsville Residents Org (ASRO)  
Azanian Students Organization (AZASO)  
Congress of South African Students (COSAS)  
Detainees Parents Support Committee (DPSC)  
Detainees Support Committee (DESCOM)  
Inter Denominational African Minister Association of SA  
(IDAMASA)  
Mamelodi Action Committee (MAC)  
Mamelodi Youth Organization (MAYO)  
Mamelodi Parents Association (MPA)  
Saulsville/Atteridgeville Youth Organization (SAYO)  
Soshanguve Residents Organization (SOREA)  
Soshanguve Youth Organization (SOYO)  
South African Black Taxi Association (SABTA)  
South African Catholic Bishops Conference (SACBC)  
South African Institute for Race Relations (SAIRR)  
South African Students Press Union National (SASPU)  
Young Christian Students (YCS)  
Young Christian Workers (YCW)

2. VERRE-NOORD-TRANSVAAL

Namakgale Youth Congress (NAYCO)  
Shiluvane Youth Congress (SYCO)  
A Rethusaneng Youth League  
Lenyenye Youth Congress (LEYCO)

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*[Signature]*

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2

Kgapane Youth Congress (KYCO)  
Tivoneleni Womens Club  
Muhlubu Youth Organisation  
Zebediela Youth Congress (ZEBYCO)  
Mpahlela Youth Congress (MPAYCO)  
Mopong Youth Congress (MOPYCO)  
Mankweng Youth Congress (MAYCO)  
Kratzenstein Youth Congress  
Azanian Student Organisation (AZASO)  
UNIN Womens Club  
Mankweng Civic Association (MACA)  
Federation of Transvaal Women (FEDTRAW)  
Release Mandela Committee (RMC)  
Detainees Support Committee (DESCOM)  
Lebowakgomo Youth Congress (LEYCO)  
Seshego Youth Congress (SEYCO)

3. WITWATERSRAND

Alexandra Peoples Action Party  
Bosmont Youth Organisation  
Alexandra Youth Congress (AYCO)  
National Union of SA Students NUSAS  
Release Mandela Committee  
Reygers Park Youth Movement  
Johannesburg Democratic Action Committee  
  
Reygers Park Tendants and Rentpayers Association

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3

4. SOWETO

Soweto Youth Congress (SOYCO)  
Federation of Transvaal Women (FEDTRAW)  
Lenasia Youth League (LYL)  
Transvaal Indian Congress (TIC)  
Congress of South African Students (COSAS) (Verbode)  
Azanian Students Organisation (AZASO)  
Federation of Residents Association - Lenasia  
Orlando Civic Association  
Jabulani Civic Association  
Naledi Civic Association  
Soweto Civic Association (SCA)  
Release Mandela Committee  
Detainees Parents Support Committee  
Young Christian Students (YCS)

5. OOS-RAND

Tembisa Students Organisation (TESO)  
Congress of SA Students (COSAS)  
Duduza Civic Association  
Duduza Parent/Student Committee  
Duduza Youth Congress (DUYCO)  
East Rand Peoples Organisation (ERAPO)  
Ratanda Civic Association (RCA)  
Tembisa Civic Association (TCA)  
SACC Youth Congress (SACCYC)  
Benoni Student Movement (BSM)  
Transvaal Indian Congress (TIC)  
Tsakane Youth Congress (TSAYCO)  
South African Allied Workers Union (SAAWU)  
Actionville Rent Action Committee (ARAC)

6. WES-RAND

Young Christian Workers (YCW)

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4

Kagiso Womens League  
Vaal Civic Association (VCA)  
Vaal Youth Congress (VAYCO)  
Vaal Information Services (VIC)  
Congress of South African Students (COSAS)  
Evaton Ratepayers Association (ERPA)  
Sharpeville Civic Association (SCA)  
Bophelong Civic Association  
Boipatong Civic Association  
Vaal Ministers Solidarity Group  
Krugersdorp Residents' organisation (KRO)  
Krugersdorp Youth Congress id met Kagiso Youth Congress (KAYCO)

7. OOS-TRANSVAAL

Sekhukhanelana Youth Organisation (SEYCO)  
Lowveld Youth Movement  
United Peoples Cultural Club  
Maviljan Youth Congress (MAVIYCO)  
Congress of South African Students (COSAS)  
Steelpoort Youth Congress (STEYCO)  
Moutse Youth Congress

8. ORANJE-VRYSTAAT

Congress of SA Students (COSAS)

9. NOORD-ORANJE VRYSTAAT

Masilo Youth Congress (MASCO)  
Thabong Youth Congress (TYCO)  
Congress of SA Students (COSAS)  
Tumahole Youth Congress (TYC)

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5

Tumahole Civic Association (TCA)  
Mokwallo Youth Congress (MOYCO)  
Detainees Parents Support Committee (DPSC)  
Release Mandela Campaign (RMC)  
Meloding Youth Congress (MESCO)  
Meloding Students Congress (MESCO)  
Phomolong Youth Congress (PYCO)  
Mophate Youth Congress (MOYCO)  
Kutlwanong Youth Congress (KUYCO)

10. WESTELIKE PROVINSIE

Ad-hoc Action Committee (ADAC)  
Azanian Students Organisation (AZASO)  
Belydende Kring  
Cape Areas Housing Action Committee (CAHAC)  
Cape Youth Congress (CAYCO)  
Congress of South African Students (COSAS)  
Detainees Parents Support Committee (DPSC)  
Educational Resource and Information Centre (ERIC)  
~~End Conseription Committee (ECC)~~  
Inter Church Youth (ICY)  
Media Workers Association of South Africa (MWASA)  
Mowbray Inter-Racial Group (MIRGE)  
Muslim Judicial Council (MJC)  
National Union of South African Students (NUSAS)  
South African Council on Sports (SACOS)  
The Ecumenical Action Movement (TEAM)  
United Womens Organisation (UWO)  
Young Christian Students (YCS)  
Western Cape Civic Association (WCCA)  
Western Cape Traders Association (WCTA)  
Womens Front Organisation (WFO)  
Ocean View Youth  
Lavender View Youth  
Steenberg Youth

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/6....



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6

Grassy Park Youth  
Wynberg Youth  
Landsdown Youth  
Crawford Youth  
Hanover Park Youth  
Portlands Youth  
Westridge Youth  
Eastridge Youth  
Tafelberg Youth  
Heideveld Youth  
Bonteheuwel Youth  
Kensington Facrenton Youth  
Belhar Youth  
Elsiesrivier Youth  
Guguleto Youth  
New Crossroads Youth  
Mau-Mau-Nyanga Youth  
Zwelitsha Youth  
Zwelinthevanba Youth  
Nyanga Youth  
New-City Youth  
Moekweni Youth  
Lavender Hill Residence Association  
Steelberg/Retreat Housing Area Action Committee  
Hout Bay Action Committee  
Kensington and Facreton Ratepayers and Tennants Association  
Avondale Tenants Association  
Ravensmead Residents Action Committee  
Lotus River/Grassy Park Residents Association  
Bellville South Housing Action Committee  
Bonteheuwel Residents Association  
Hanover Park Residents Association  
Kewtown Residents Associastion  
Silvertown Residents Association  
Schoteshe Kloof Civic Association

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/7....

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- 7 -

Crawford Residents Association  
Woodlands Housing Action Committee  
Westridge Housing Action Committee  
Valhala Park Civic  
Belhar Civic  
Manenberg Civic  
Rylands Civic

11. SUID-WESTELIKE DISTRIKTE (SWD)

Bongolethu Parents Committee - Oudtshoorn  
Bongolethu Youth Organisation  
Bridgton Jeug Organisasie  
Congress of SA Students - Beaufort-Wes  
Congress of SA Students - Mosselbaai  
Congress of SA Students - Oudtshoorn  
Detainees Parents Support Committee - Graaff-Reinet  
George Youth Organisation  
Graaff-Reinet Community Organisation  
Graaf-Reinet Youth Congress  
Hanover Residents Association  
Hanover Youth Organisation  
Hofmeyer Youth Organisation  
Jansenville Youth Organisation  
Klipplaat Youth Congress  
Molteno Residents Association  
Middelburg Residents Association  
Middelburg Youth Congress  
Noupoort Youth Association  
Oudtshoorn Resource and Advice Centre  
Pearston Youth Congress  
United Democratic Front Oudtshoorn  
Victoria-Wes Youth Association  
Victoria-Wes Youth Committee  
Zanokhanyo Civic Committee  
South West District Primary Schools Sports Association

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12. NOORD-KAAP

Galeshewe Civic Association  
 General and Allied Workers Union  
 Kudumane Youth Unity  
 Galeshewe Youth Organisation  
 Galeshewe Students Organisation  
 Huhudi Civic Association  
 Huhudi Youth Organisation  
 Lesidi Community Project  
 Detainees Support Committee  
 Congress of SA Students (COSAS)  
 Galeshewe Parents Crisis Committee

13. BOLAND

Atlantis Advies Kantoor (AAK)  
 Cape Youth Congress (CAYCO)  
 Mbekweni Advieskantoor  
 Montagu Ashton Gemeenskapsdiens  
 Paarl Munisipale Huurders Vereniging  
 Swellendam Youth Congress  
 Western Cape Civic Association  
 Worcester Advice Office  
 United Womens Organisation  
 Pelikaan OntSPANNINGS Kultuur Organisasie  
 West Coast Youth Congress  
 West Coast Muslim Association  
 Moravian Church - Genadendal  
 Broederkring  
 ABRESCA  
 Inter Church Youth (ICY)

14. OOSTELIKE PROVINSIE

Craddock Residents Association (CRADORA)  
 SOMERSET OOS WORKERS UNION (SEWU)

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- 9 -

Cradock Womens Organisation (CRAWO)  
Somerset East Residents Association (SERA)  
Grahamstown Civic Association (GRACA)  
Grahamstown Committee of Democrats  
Nomzamo Students and Gaurdian Association  
Fort Beaufort Organisation of Peace  
Fort Beaufort Parents Committee  
Crisis Relief Committee  
Fort Beaufort Womens Association  
Detainees Support Committee  
Save the Starving Committee  
Parents Committee  
Uitenhage Health Safety and Cultural Association  
Uitenhage Woemns Organisation  
Malaba Residents Association  
Port Elizabeth Black Civic Organisation  
Crisis in Education Committee  
Port Elizabeth Womens Organisation  
Congress of SA Students (COSAS)  
Port Elizabeth Students Committee  
Port Elizabeth Youth Congress  
Gelvandale Youth Movement  
Westville Youth Movement  
Grahamstown Youth Congress  
Grahamstown Youth Movement  
Port Alfred Youth Congress  
Fort Beaufort Youth Congress  
Uitenhage Youth Congress  
Uitenhage Students Committee  
Cradock Youth Association  
Somerset East Youth Congress  
Adelaide Youth Congress  
Cookhouse Youth Organisation  
Alicedale Youth Congress  
Black Students Movement  
Cape College Congress  
Black Students Society - Rhodes  
National Education Union of SA (NEUSA)  
South African Allied Workers Union (SAAWU)

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Humansdorp Youth Congress (HUYCO)  
NUSAS - Rhodes University  
Westville Youth  
P E Black Civic Organisation  
Malabar Ratepayers and Tenants Association  
Motor Assembly and Components Workers Union  
General Workers Union of SA

16. GRENS

Release Mandela Campaign (RMC)  
Phefferville Youth Movement (PYM)  
East London Youth Organisation  
East London Youth Congress  
East London Friends of UDF  
African Culture and Community Development - Kultuur Organisasie (ACDDA)  
South African Allied Workers Union (SAAWU)  
Queenstown Youth Organisation (QEENYO) Jeug organisasie  
Catholic Students Association - Transkei Universiteit  
Detainees Support Committee (DESCOM)  
Duncan Village Residents Association (DVRA)  
Duncan Village Youth Movement (DVYM)  
Democratic Women of East London (DWEL)  
East London Student Council (ELSCO)  
East London Womens Association (ELWA)  
Mdantsane Burial Association (MBA)  
Mdantsane Residents Association (MDRA)  
Mdantsane Students Council (MDASCO)

GRENS FILIALE

KING WILLIAM'S TOWN

Azanian Students Organisation (AZASO)  
Dimbaza Youth Congress (DIYCO)  
Ginsberg Youth Organisation (GIYO)  
King Williams Town Central and Districts - Rugby Union (KADRU)  
King Williams Town Student Council  
King Williams Town Youth Club (KYC)  
National Education Union of S A (NEUSA)  
Phakamisa Youth Organisation (PAYO)  
Stutterheim Youth Congress

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QUEENSTOWN

National Education Union of S A (NEUSA)  
Queenstown Residents Association  
Queenstown Youth Organisation (QUEENYO)

ALICE

Alice Housing Committee  
Alice Youth Organisation

FORT BEAUFORT

Fort Beaufort Organ of Peace  
Fort Beaufort Parents Committee  
Fort Beaufort Residents Association  
Fort Beaufort Womens Association  
Fort Beaufort Youth Congress (FOYCO)

17. PORT NATAL

Natal Indian Congress  
Durban Housing Action Committee  
United Committee of Concern  
Release Mandela Committee  
Freedom Charter Committee  
Azanian Students Organisation  
Muslim Youth Movement  
Muslim Students Association  
International Youth Year Committee  
Joint Rent Action Committee  
National Medical and Dental Association  
Natal Organisation of Women  
Islamic Council of South Africa  
Phoenix Working Committee  
Newlands East Residents Association  
Congress of S A Students (COSAS)  
Reservoir Hills Youth Club  
Lamontville Youth  
Matinane Youth  
Tongat Youth Club  
Amoltana Youth Club

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Kiva-mashu Youth League  
Chesterville Youth Organisation  
Umlazi Youth League  
Isipingo Youth Organisation  
Hel  
Progress Youth  
Verulam Youth  
Masakane Youth  
Ashport Youth  
Sons of Young Africa  
Chatsworth Housing Action Committee National Union of S A Students  
Cato Manor Residents Association  
Black Women's Federation  
End Conscription Campaign  
Detainees Support Committee  
Umlazi Residents Association  
Black Sash  
Sydenham Heights Tenants Association  
Merwent Ex Students Society  
Reservoir Hills Ratepayers Association  
Reservoir Hills Youth Club  
Rates Working Committee  
S A Allied Workers Union  
National Federation of Workers  
Congress of S A Students  
AZASO - Universiteit Durban Westville  
AZASO - Universiteit Natal (Durban)  
AZASO - Durban Medical School  
AZASO - Ngoye  
AZASO - Natal Technikon SRC  
National Union of South African Students (NUSAS)  
NUSAS - Universiteit Natal (Durban) SRC  
NUSAS - Universiteit Natal (Pietermaritzburg) Local Command  
African Workers Association  
South African Tin Workers Union  
Asherville Ratepayers Association  
Reservoir Hills Action Committee  
Amoytana  
Meerbank Ratepayers  
Tongaat Civic Association  
Greenwood Park Ratepayers Association

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Natal Commuters Committee  
 Sydenham Committee of Concern  
 Commuters Association  
 Wentworth Committee of Concern  
 Verulam Committee of Concern  
 Newlands East Ratepayers Association  
 Cato Manor Ratepayers Association  
 St Wendolins Ratepayers Association  
 Kwa Mashu Womens Group  
 Durban Womens Group  
 Natal University Womens Organisation  
 Young Christian Students - Pietermaritzburg  
 Nazareth Baptist Church  
 Isilido United Congregational Church  
 Church of Nazareth  
 Democratic Lawyers Association  
 Anti South African Indian Council  
 Social Workers Forum  
 Claremont Advice Office  
 Natal Health Workers Association  
 UKUSA Newspaper

18. NATAL

Allandale Ratepayers and Residents Association  
 Azanian Students Organisation  
 Bombay Heights Ratepayers Association  
 Combined Pietermaritzburg and District Ratepayers Association  
 Cultural Action Society of Eastwood  
 Edenvale Youth Organisation  
 Imbali Youth Organistion  
 Joint Academic Staff Association  
 Ladysmith Youth Club  
 Midlands Information Centre and Research Unit



GEHEIM

15

Mountain Rise Ratepayers and Residents Association  
 New Holme Ratepayers Association  
 Northdale Ratepayers and Residents Association.  
 Pietermaritzburg Agency for Christian Social Awareness  
 Pietermaritzburg Coloured Welfare League  
 Pietermaritzburg Indian Child Welfare Society  
 Pietermaritzburg Indian Ratepayers and Residents Association  
 Sabantu Youth Organisation  
 Congress of SA Students  
 Pietermaritzburg Committee of Concern  
 Zomani Ladysmith Club  
 Imbali Civic Association  
 Ashdown Youth Organisation (AYO)

19. NOORD-NATAL

Newcastle Youth Organisation  
 OSIZWENI Civic Organisation

20. WES KAAP

AZASO - UCT  
 AZASO - UWC  
 AZASO - Regional Committee  
 NUSAS - UCT SRC  
 Muslim Students Association  
 CAYCO - Rocklands Youth  
 CAYCO - Lentegour Youth  
 CAYCO - Gugulethu Youth Section 1 - 4  
 CAYCO - KTC Youth  
 CAYCO - Tafelberg Youth  
 CAYCO - Silverton Youth  
 CAYCO - Bellville Youth

UITERS GEHEIM

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16

CAYCO - Zimele Sege (PAARL) Youth  
CAYCO - Inter Church Youth  
Retail and Allied Workers Union (RAWU)  
Worcester Housing Action Committee  
United Womens Organisation - Claremont  
United Womens Organisation - Wynberg  
United Womens Organisation - Observatory  
United Womens Organisation - Woodstock  
United Womens Organisation - Gardens  
United Womens Organisation - Athlone  
United Womens Organisation - Paarl  
United Womens Organisation - Stellenbosch  
United Womens Organisation - Ocean View  
United Womens Organisation - Worcester  
United Womens Organisation - Gugulethu  
United Womens Organisation - Langa  
United Womens Organisation - Kensington  
United Womens Organisation - Mdekweni  
United Womens Organisation - Kayamandi  
United Womens Organisation - Cloeteville  
United Womens Organisation - Zwelentlemba  
United Womens Organisation - New Crossroads  
United Womens Organisation - Nyanga  
Ecumenical Action Movement (TEAM)  
Association of Christian Students WC  
Student Union for Christian Action (SUCA)  
Grassroots Newspaper  
Saldana Youth  
St Blaiz Roman Catholic Youth  
Pelikan Ontspannings en Kultuur Organisasie

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21. TRANSVAAL

AZASO - Wits Black Student Society  
AZASO - Turfloop  
AZASO - Medunsa  
AZASO - Soweto Teachers Training College  
AZASO - Transvaal Regional Committee  
AZASO - Student Tuition Society  
NUSAS - Wits SRC  
COSAS - Soweto  
COSAS - Pretoria  
COSAS - Alexandria  
Kagiso Youth League  
Benoni Youth League  
Benoni Student Movement  
Lutheran Church Youth League  
Time to Learn  
South African Mineworkers Union  
Municipal and General Workers Union  
General and Allied Workers Union  
Orange Vaal and General Workers Union  
Johannesburg Scooter Transport and Allied Workers Union  
Winterveld Action Committee  
Sendane Civic Association  
Co-ordinating Rents Action Committee (CRAC)  
Wesbury Residents Action Committee  
Emedeni South Civic Association  
Mapetta Village Civic Association  
Noordgesig Ratepayers Association  
Detainees Parents Support Committee (DPSC)  
Detainees Support Committee (DESCOM)  
Industrial Aid Society (IAS)  
Riverlea Youth Congress (RYC)  
South African Allied Workers Union (SAAWU)  
Transvaal Indian Congress (TIC)

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18

Actionville Rents Action Association  
Extension 9 Residents Association - Lenasia  
Extension 10 Residents Association - Lenasia  
Ten Morgan Residents Action Committee  
Kincoss Civic Association  
Ennedate Civic Association  
West Rand Action Committee  
Federation of South African Women  
University Womens Group Turfloop  
Womens Group - Glynn Thomas  
Pfunanoni Womens Club

Transvaal Anti-PC Committee  
Media Action Group  
Detainees Aid Movement

Community Newspaper Project  
SASPU National Newspaper

Africa News Association  
Khovangano Cultural Group  
Labour Resource Centre

National Education Union of SA

Workers Support Committee

Kgapane Highschools Student R.C.

Bokgaga SRC

Westbury Residents Action Committee (WRAC)

Young Christian Workers (YCW)

UITERS GEHEIM

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Lengenge Youth Congress  
Modjadji SRC  
Mogoboya Youth Congress  
Muhlaba Youth Congress  
Ramalema Youth Congress  
Ramoba SRC  
Shilubane Youth Congress  
Transvaal Student Congress (TRASCO)

OP MEELOPERS/SIMPATISEERDERS

Addo Youth Congress  
Addo Parents Committee (Kirkwood)  
Committee of Ten (Kirkwood)  
Kabah Residents Association  
Kirkwood Youth Congress  
Kirkwood Students Council  
Rosedale Youth Congress  
Uitenhage Peoples Organisation  
Uitenhage Committee of Ten  
Uitenhage Adviesburo  
Uitenhage Parents Committee  
Uitenhage Students Council  
Uitenhage Residents Civic Organisation  
Azanian Students Organisation  
Comsumer Boycott Committee  
East Cape Students Council  
Interdenominational African Ministers Association of S.A

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Die Sekretaris van die  
 Staatsveiligheidsraad  
 Privaatsak X284  
 PRETORIA  
 0001

STRATEGIESE ADVIES: VERKLARING, AL DAN NIE, VAN DIE UNITED  
 DEMOCRATIC FRONT (UDF) TOT 'N ONWETTIGE ORGANISASIE, EN  
 AANBEVELINGS VIR VERDERE STAPPE TEEN DIE UDF EN SY FILIALE: U NO.  
 22/3/2/44 VAN 5 FEBRUARIE 1987

h Afdruk van die konsepdokument, waarop voorgestelde wysigings  
 aangebring is, is aangeheg.

M. J. TALJAARD  
 DIREKTEUR VAN VEILIGHEIDSWETGEWING

Bese.  
 16 9.2.87

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